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HUMAN RIGHTS COMMISSION HEARS MINISTER OF JUSTICE OF ANGOLA CALL FOR END TO VIOLENCE AND TERROR

Concludes Debate on Rights of Ethnic, Linguistic And Religious Minorities; Takes up World Conference on Human Rights

GENEVA, 16 February (UN Information Service) -- Angola would not give in to the blackmail of the war being waged by the National Union for the Total Independence of Angola (UNITA), which was trying to achieve by violence that which it had failed to attain at the ballot box, the Commission on Human Rights was told this afternoon.

Paulo Tjipilica, Angolan Minister of Justice, said that outside States which supported UNITA bore a moral responsibility to stop the wave of violence and terror in Angola. While United Nations efforts to establish peace in Angola were very welcome, he added, without more effective and more impartial participation the hopes placed by the Angolan people in the United Nations would be dashed. The United Nations should not be used for political or economic ends or in the service of any State or group of States.

Also this afternoon, the Commission concluded its debate on the rights of minorities. Many representatives dwelt on ways to achieve the effective implementation of the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities which was adopted by the General Assembly last year. There was a need for comprehensive, legally binding and universally applicable solutions to develop existing standards and instruments already set by the international community.

Several speakers noted a need to concentrate on the implementation of the Declaration at a national level as well as international monitoring of its principles. Others called on the Commission to establish a programme through the Centre for Human Rights to assist States in the prevention and resolution of problems involving minorities. The debate centred on the need for flexible structures of protection schemes amid calls for clear definitions of the status of minorities under international law to be protected by domestic legislation.

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For information media--not an official record

Taking part in the debate on the rights of minorities were the representatives of Nigeria, Pakistan, Austria, Czech Republic, Australia, Finland, Russian Federation, Romania, China, Malaysia and Poland. The observers for Estonia, Hungary, Lithuania, Italy, Switzerland, Myanmar and Viet Nam also participated.

The following non-governmental organizations made statements: Service, Peace and Justice in Latin America; International Immigrants Foundation; International Educational Development; Centre Europe-Tiers Monde; Commission for the Defense of Human Rights in Central America; and Minority Rights Group.

The representatives of the Sudan, Pakistan, India, Indonesia and Cuba spoke in exercise of the right of reply.

Also this afternoon the Commission took up preparations for the forthcoming World Conference on Human Rights to be held in Vienna in June. The representatives of Costa Rica, Finland (on behalf of the Nordic countries), Russian Federation and Australia spoke on that question.

Statement by Angolan Minister of Justice

PAULO TJIPILICA, Minister of Justice of Angola, said the hotbeds of tension and violence persisting in the world posed serious threats to the rights and liberations of peoples. That violence was due to inadequate remedies imposed as solutions to conflicts and a certain inconsistency with which the international community had tended to treat the question of firm application of the clauses of certain peace agreements. Concerning United Nations participation in the establishment of peace and socio-economic development in Angola, while the United Nations efforts were welcomed, without more effective and more impartial action, Angola's hopes and confidence in the United Nations would be frustrated.

Governments which had a reputation of being peaceful States had become actors in war and in serious and systemic violations of human rights. That was intolerable. The intervention of Zaire and South Africa on the side of the National Union for the Total Independence of Angola (UNITA) in the war in Angola was an interference in its internal affairs. The recent brief period of peace had been interrupted by UNITA, which had rejected the unfavourable results of elections which were declared fair and free by the United Nations and the international community.

The UNITA had begun, with the Zairean army and supported by South Africa, a new war, in total violation of the expressed will of the Angolan people, he said. Those first elections in Angola had been the culmination of a process of political reform and national reconciliation. The Government of Angola reaffirmed its determination not to give in to the blackmail of the war being waged by UNITA, which was an attempt to snatch by force what it had failed to achieve at the ballot box. The war in Angola was being supported by outside forces and States supporting UNITA. The UNITA had a moral responsibility for stopping the wave of violence and terror in Angola.

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In the rest of Africa, war persisted. Hostilities continued in Liberia. In Somalia the martyred people awaited a lasting solution. The people of Mozambique needed the international community's support to put an end to the devastating war so as to move into democratic reform and economic reconstruction. As long as apartheid persisted as a reality in South Africa, the region of southern Africa would remain a place of tension. On the question of the right to development, he said that underdeveloped countries could not build more just and democratic societies as long as they could not offer their citizens an equal share in the distribution of wealth. Human rights should not be used for political ends which could be seen as interference in the domestic affairs of States.

Statements on Rights of Minorities

A.B. RIMDAP (Nigeria) said the Nigerian Constitution forbade discrimination against individuals, groups or organs on the basis of sex, ethnic origin or religious affiliation. He was gravely concerned over the current upsurge of intolerance, violent discrimination and widespread xenophobia now gripping many countries of Europe. The violence and discrimination were targeted against the minority immigrant population. Those immigrants, even though some had lived in Europe for decades, were being harassed and discriminated against in work places, schools and residential areas. The exacerbated spate of violence in the Balkans, former Yugoslavia, the Middle East, Asia and Africa bore eloquent testimony to fears formerly expressed.

He went on to say that Nigeria welcomed the declaration adopted by the Assembly of Heads of States and Government of the Organization of African Unity (OAU) in Dakar, in July 1992, and the Tenth Summit of Heads of States and Governments of the Non-Aligned Movement in Jakarta in September of the same year, condemning religious extremism and terrorism. Nigeria called upon the Commission on Human Rights to consider putting in place a binding international instrument on the elimination of intolerance and discrimination based on religion or belief to supplement the standards already set by the international community.

MUSHAHID HUSSAIN (Pakistan) said that some disturbing developments, from ethnic cleansing in Bosnia to the demolition of the 500-year-old Babri Mosque in India, as well as the recent anti-Muslim killings in Bombay, were pointers to an upsurge of premeditated violence against Muslims. The geographical distance of Bosnia from the site of the Babri Mosque and Bombay might be vast, but this distance, in terms of the nature of the onslaught against the Muslims, had been bridged by the common instincts of hatred and persecution on the basis of religion. The Organization of the Islamic Conference, at a meeting of the Bureau of the Sixth Islamic Summit held in Dakar on 11 January, had strongly condemned the destruction by Hindu militants of the Babri Mosque. According to the report in The New York Times, the subsequent riots in Bombay had been a systematic attempt to cleanse the city of its Muslim population with Muslim houses marked, Muslim shops singled out for attack and men on the streets made to drop their trousers so that Hindu mobs could see if they were circumcised.

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The demolition of the Babri Mosque followed by the killings in Bombay were not an aberration, but part of a pattern of behaviour in which the Muslims as a minority were constant victims at the hands of Hindus. The Hindus were aided and abetted by security forces, either directly, through active connivance, or indirectly, by the failure of the Government to stop the campaign of terror. Pakistan urged the Special Rapporteur to initiate a detailed inquiry into the incidents of persecution of the Muslim minority in India.

MICHAEL DESSER (Austria) said that in an area of highly diverging interests, tendencies and developments it was helpful to have some guiding principles. Persons belonging to national and other minorities should be treated with respect for their individuality and for the values they cherished. The second element he underlined was the necessity of minorities' active and effective participation in public affairs and in particular their inclusion in the decision-making process.

However, it would not be in the interest of minorities to be pressed into rigid schemes which only had a petrifying effect on institutions and traditions. Instead, Austria favoured flexible protection schemes which offered fertile interactive opportunities. Preconditions for the functioning of such schemes were a clear legal definition of the status of persons belonging to national and other minorities, sufficient protection by domestic legislation, and effective implementation by responsible administrative authorities. With regard to future efforts to implement the Declaration, the Commission might focus attention on those elements just outlined.

ZDENEK VENERA (Czech Republic) said that although international law had a long tradition of protecting specific minorities, there was a generally recognized lack of a comprehensive international legal system in that regard. There were between 5,000 and 6,000 ethnic groups spread around the world. There was hardly any State where everyone spoke the same language, belonged to the same race and shared the same culture, beliefs and traditions. The relations between various groups were sometimes very complex. The example of Bosnia and Herzegovina proved how minority issues brought to a head could contribute to tremendous human suffering and intensified hatred.

The Czech Republic, she said, was of the opinion that further promotion of the international legal standards should be done primarily through multilateral forums. There were certain reservations about a special protective role by the "mother country", but that did not exclude bilateral discussions where appropriate. It was the firm belief of the Czech Government that exclusive orientation on the principle of non-discrimination and equal treatment no longer corresponded to the needs of individual members of minority groups. The adoption of special measures for the benefit of persons belonging to minorities was often a necessary precondition to enable them to achieve real equality with the majority of the population. The Czech Republic favoured efforts to improve the implementation of existing human rights standards rather than drafting new ones.

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PETER THOMSON (Australia) said that it was extremely difficult to stem the escalation of hatred. Complex issues were involved, including the need for States to recognize certain legitimate rights of minorities and their various relationships with the State. The delegation had listened with great concern as the Special Rapporteur on the former Yugoslavia described some of the most tragic consequences of ethno-nationalism the world had witnessed in years. Other areas where minority issues continued to generate significant human rights problems arising from ethnic conflicts were in Somalia, Guatemala, Sri Lanka, and some of the newly independent States of the former Soviet Union.

At the other end of the spectrum, he said, were multicultural societies such as Australia where ethnic groups and minorities were recognized as valuable elements of society. In Australia's experience, the following policies were important to the peaceful coexistence of various community groups. Equitable access to national resources and policies which encouraged the active participation of recently arrived groups in all levels of Australian society and effective anti-discrimination legislation also was essential.

There was a need for the Commission to develop concrete and active measures to address serious human rights problems concerning minorities, he said. A starting point might be for the Commission to examine the feasibility of a programme, within the context of the advisory services programme of the Centre for Human Rights, which would, when requested, assist States in the prevention and resolution of problems involving minorities.

HANNU HALINEN (Finland), speaking on behalf of the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden), said minorities in various parts of the world found themselves increasingly in an atmosphere of intolerance, xenophobia and violence. The adoption of the Declaration was not enough. The Commission should now concentrate on the implementation of the Declaration at the national level, as well as on the international monitoring of the fulfilment of its principles.

The Nordic countries considered it essential that minority issues be kept on the Commission's agenda as a separate question, he said. That would enable Member States, various United Nations agencies and organizations, other relevant organs and bodies of the United Nations, as well as intergovernmental and non-governmental organizations, to focus and bring to the attention of the Commission relevant minority issues. Already existing human rights mechanisms could play a more central role. In the opinion of the Nordic countries, the forthcoming World Conference on Human Rights should contribute to that end. The minority concept in itself needed to be further developed. The Nordic countries were prepared to consider different proposals on how to further develop the mechanisms dealing specifically with minorities.

At the regional level, he said, there had been some achievements in advancing the rights of minorities. The Helsinki follow-up meeting of the Conference on Security and Cooperation in Europe (CSCE) had created the post of High Commissioner on National Minorities. His functions included the

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elaboration of means for early warning and early action in order to prevent tensions involving national minority issues from developing into actual conflicts.

V.I. BAKHMINE (Russian Federation) said today there were new challenges in the wake of the cold war, and the minority problem and its whole related train of issues had grown increasingly prominent as new nations had come into being. The problem of minorities was exacerbated during major social upheavals; the process of establishing new independent States was often accompanied by violence and the growth of ethnic nationalism. There were alarming examples of constitutions of new States in which certain population segments were identified as those who belonged and others were relegated to a secondary status. Russia was concerned about the fate of Russian citizens now living in the newly, independent States of the former Soviet Union.

Russia, he said, in no way intended to cast doubt on the rights of States to establish their own juridical rules, he said. But laws must be rooted in existing reality. If a third of the population was deprived of citizenship, that was ignoring reality. In Latvia, for example, in registering permanent citizens, substantial cuts were made in potential applicants based on such matters as connection to the armed forces, in which case length of stay in the country was based on the date of demobilization.

ROMULUS NEAGU (Romania) said that in Romania, efforts to protect minorities were included in a national plan. In various regions in Europe, a number of national mechanisms had been created to protect minority rights, thus obviating the need for new mechanisms. New mechanisms were also needed less than the effective implementation of existing ones and the adoption of concrete measures to foster respect for tolerance. Those should dissuade national hatred which could affect social peace. Practical standards could be explored through dialogue which should dwell on the specific conditions existing in each region or in each country. Another possibility would be to explore the promotion and protection of minorities concerning the responsibilities of those groups towards their State. That would contribute to the stability of those States.

LI GUOGING (China) said there were 56 nationalities in China, with a total population of 1.16 billion. Among them, the Han nationality accounted for 91.96 per cent, while the other 55 minority nationalities made up the remaining 8.04 per cent of the population. The Government had formulated a complete set of policies towards nationalities. Those included policies on national equality and solidarity, the creation of 159 regional autonomy areas and assistance to minority nationalities in their economic and cultural development.

With the extensive assistance of the State and the great efforts of the people in those areas, the minority regions have seen remarkable changes, he said. Especially during the past decade, the economy in those regions registered rapid progress. From 1978 to 1991, the gross value of the industrial and agricultural output in the national autonomous areas had increased by 185 per cent and the per capita income of farmers and herdsmen had increased more than six times. There were also policies on respect for and development of minority languages, traditions, customs and religious beliefs. In Tibet, Xinjiang and all other areas, the right to freedom of religious belief was fully safeguarded. However, there were still a few people in the world who tried every possible way to slander and attack China's nationality policies and who attempted to deny the achievement of the Government in safeguarding the rights of minorities.

MUSA HITAM (Malaysia) said the Commission simply could not afford to acquiesce, much less encourage, the pursuit of rights of persons belonging to national or ethnic, religious and linguistic minorities that would lead to the break-up of nation-States, or for bigger States to commit aggression and to engage in territorial expansion on the pretext of protecting their brethen who constituted minority groups in other countries. Malaysia was made up of five main groups: Malays, Chinese, Indians, Dayaks and Kadazans. There were more than 30 indigenous groups distributed nation-wide. Malaysia had realized very early that tolerance of different ethnic and religious values and traditions, together with the constant process of strengthening national unity in diversity of ways of life and respect of rights for minorities, while pursuing economic modernization was the only way to ensure survival and progress.

The 1969 racial riots had jolted the nation, he said. But the experience had taught many lessons and moved the Government and the people to agree to certain guidelines. There was a national consensus that the practice of democracy in such a multi-ethnic and multi-religious society required a certain degree of discipline and restraint so that the pursuit of the interests of individuals or any particular ethnic religious groups would not be allowed to develop to the extent of destroying both democracy and the nation.

Perhaps excessive emphasis on freedom of expression without consideration of its dire consequences to the interests of the community contributed in no small way to contemporary ethnic-religious tensions in the world, he went on to say. A lot of capital investment in Malaysia had been put into education, health services infrastructure and a programme to combat poverty. However, in the process, Malaysia had to be contented with moderately high growth in its economy, instead of much higher growth but less equitable distribution.

K. DRZEWICKI (Poland) said the existence of minorities and their diversified culture and traditions should be perceived primarily as a source of enrichment of the societies to which they belonged. Consequently, one could say that the protection of minorities remained within the rationally construed interest of the majority. States should not only refrain from interference with the minorities' rights and freedoms, but should undertake affirmative action to assist them. Certainly, one could consider the Declaration to be insufficient while not denying that it was a very important step in the right direction. Since the Declaration did not contain any specific procedure for its implementation or any other reference to its follow-up, it was mainly up to the Commission to take proper decisions.

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Poland favoured keeping the question of minorities on the Commission's agenda, she said. There was an urgent need for establishing in the framework of advisory services a special programme related to minority protection. Secondly, the existing and potential conflicts stemming from tensions caused by alleged violations of minorities' rights in different parts of the world called for the development of a warning and monitoring system in the field. The establishment by the Commission of a special rapporteur for minorities' protection might be a proper response to that need.

HEINO AINSO (Estonia) said Estonia and Latvia stood accused of human rights violations by the Russian Federation. In order to disprove the charges made in the relentless campaign carried out by the Russian Federation, Estonia had opened its doors to many fact-finding missions which had not found any systematic violations of human rights. "Zero option" meant that every permanent resident could get immediately Estonian citizenship, without any qualifications. That would seriously undermine efforts by Estonia to re-establish its civil and political institutions, since it fueled the ambitions of Russian hardliners who had not reconciled themselves with the independence of the Baltic States. The legacy of solving the problems created by past Soviet policy was now thrust upon Estonia, and the legal successor of the offending State was aggressively undercutting Estonia's sovereignty.

Since Estonia started to restore its independence, the Russian-speaking community in the north-east had vocally threatened to secede and join the Russian Federation. The political establishment in Moscow had designated the neighbouring States as "near abroad" and pointedly argued that it was a special task of the Russian Army to come to the defence of Russian citizens and persons connected to Russia either ethnically or culturally. Estonia was concerned over the striking similarities that seemed to exist between the current foreign policy stance of the Russian Federation and policies which had been pursued by the Third Reich.

ENDRE LONTAI, observer for Hungary, said his Government was convinced of the advantages of having a pluralist and multicultural society. In the field of the protection of the rights of minorities, non-discrimination was a minimum requirement. The disadvantages of minorities had to be compensated with specific legal and economic measures, a "non-reciprocal" preferential treatment. A draft law before Parliament would declare that minorities in Hungary were constituent elements of the State, with rights equal to those of the majority. It would also allow minorities to cultural autonomy and self-organization.

He welcomed the adoption by the Assembly of resolution 47/136 on the rights of minorities. The problems of the protection of the rights of minorities should, however, be considered at the forthcoming World Conference on Human Rights. The Commission also needed to deal with that question in an innovative and attentive way in its future sessions.

NARCIZAS PRIELAIDA, observer for Lithuania, said that the calls of distress by oppressed peoples and ethnic minorities did not reach the conscience of the international community unless they disturbed international

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peace and stability. In Lithuania, there were 109 different nationalities. The Lithuania Constitution ensured that they all enjoyed the rights under the International Convention on Civil and Political Rights. There was an official Lithuanian Department of Minorities to uphold their rights. The largest group was the Russians, which was composed of those who had been in Lithuania since the sixteenth century, those who had come with the occupation and those who came during Stalin's industrialization period. They had their own schools, papers, places of worship and television programmes.

In Russia, Lithuanians had been deported and thrown into a hostile milieu, he said. The Lithuanian and the Russian Governments were in the process of negotiating the departure of the Russian troops from Lithuanian soil. It should be recalled, he said, that 75 per cent of Russians were in favour of Lithuanian's independence in 1991.

PAOLO TORELLA DI ROMAGNANO, observer for Italy, said the protection of minorities was essential for the social and political stability of the democratic life of States, and that the aspirations of individuals to freedom and democracy could not be peacefully satisfied without establishing conditions whereby the existence and the identity of all ethnic, religious and linguistic groups was safeguarded. Although the Declaration did not provide for a clear-cut definition of minorities, its provisions showed that their status had to be kept clearly distinct from the status of peoples, in that only the latter were entitled to exercise, under international law, the right to self-determination.

Minorities, he said, were entitled to have their own ethnic, cultural, linguistic and religious identities recognized and protected. Even before the adoption of the Declaration, a good example was offered by the way the Italian Government had approached and found satisfactory solutions for questions related to the protection of linguistic minorities within its territory.

It was equally important that all relevant organs and bodies of the United Nations took minority concerns duly into account within the framework of their activities. His delegation also was ready to consider any concrete proposal aimed at the identification of appropriate ways and means for the effective promotion and further implementation of the Declaration.

JEAN-DANIEL VIGNY, observer for Switzerland, said that some areas of Europe, particularly the Balkans, demonstrated how the neglect of minority rights could increase tensions and lead to internal or international conflicts. It was not through the use of force that minorities could be assimilated into majorities in order to maintain national unity or territorial integrity. On the contrary, it was through integration and the recognition of the existence, identity and dignity of groups that conflicts could be overcome.

Minority rights could only be guaranteed in a democratic State based on the rule of law, he said. Experience showed that the prohibition of discrimination was not sufficient for the protection of the rights of minorities. Non-discrimination had to be accompanied by preferential measures

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and special rights. On the international level, the advisory services of the Centre for Human Rights could play an important role in the dissemination of norms and the search for solutions in cases of conflicts involving minorities.

TIN KYAW HLAING, observer for Myanmar, said there was no discrimination by the majority population against the other national racial groups residing in Myanmar. Those major indigenous national races had been in existence and had been living together eons before the commencement of the Christian era. The Myanmar Government was committed to a policy of strengthening national unity and solidarity.

With a view to bringing about better quality of life in the border areas and mutual love and trust among the national races, the Government had formed three high-level Committees to accelerate programmes for the development of the areas concerned, he said. The very recent establishment of a separate Ministry for the Development of Border Areas and National Races was a testimony to the importance attached by the Myanmar Government.

There was no discrimination in Myanmar against any group of persons or national racial groups on grounds of religion, language or race, he continued. He firmly rejected allegations levelled at Myanmar which were "fabrications and lies of discrimination in the minds of those who wished to interfere with the internal affairs of Myanmar and who had the intention to divide the country and destabilize the nation".

NGUYEN VAN SON, observer for Viet Nam, said that many different groups had coexisted in Viet Nam, in harmony and in the absence of discrimination for centuries. All Vietnamese citizens were equal before the law. They enjoyed full religious liberty, and all religions were equal before the law. That freedom was recognized not only in the highest law of the Republic, but also in other legal texts.

Presently, the "Doi Moi" in Viet Nam had achieved great success in economic, political and moral areas, he said. In the past, the religious history of Viet Nam had been linked to politics. It had for a long time been used by foreigners as a means of opposing Viet Nam's independence. Therefore, the Government of Viet Nam had always tried to draw a distinction between religious freedom and other matters which, under the pretext of religious freedom, were used to breach laws or national security.

RAMON CUSTODIO, of Service, Peace and Justice in Latin America, said that in Myanmar, East Timor, Argentina, Guatemala and Honduras, the rights of minorities were under threat. Since 1975, the Timorese had had to join the Catholic Church looking for a safe place to express their religious beliefs and somehow to escape from their military rulers. The many ethnic minorities in Myanmar continued to be denied their political rights, rights to education in their mother language, and to live according to their customs and traditions. To avoid the persecution of the army, today hundreds of thousands members of the ethnic minorities were hiding deep inside Myanmar's border jungle areas.

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In Argentina, the State was selling the lands of the sugar cane plantations and refinery in the Province of Bermejo, where 350 Tobas families had been settled for centuries, he said. In Brazil, the Indians lived in a perfect equilibrium with nature until the white men came over to endanger the rain forest. Aboriginal peasants were continuously dispossessed of their lands and lives. The Commission should expand the mandate of the Special Rapporteur to pay specific attention to human rights in every situation concerning minorities.

G. MAS CANOSA, of the International Immigrants Foundation, said that despite all the positive effects of international agreements on human rights, a great deal remained to be done to end the suffering of those whose rights were still violated. Rather than drawing up new instruments, there was a need to implement existing ones. There was a need for a stronger United Nations, with a broader mandate. The United Nations now had to play the role that was originally designed for it. Had the United Nations not imposed sanctions on South Africa, there would not have been progress in the eradication of apartheid.

Each time the Commission remained passive in the face of massive violations of human rights, he said, the prestige of the United Nations and the hope of millions of humans diminished. It was important to remember that under totalitarian regimes persons who opposed the regime became second class. The Commission could consider that problem under the topic of minorities. He also expressed concern about the ethnic problems in the former Yugoslavia and in various States of the former Soviet Union, as well as the persecution of Jehovah's Witnesses and the high number of black detainees in Cuba.

ETSURO TOTSUKA, of the International Educational Development, said that the Sri Lanka situation served to illustrate some of the issues that confronted the Commission. On the one hand, the Sri Lanka Government continued to state that the legitimate grievances of various groups would be resolved by secular policies, strengthening of respect for human rights and minority rights, decentralization and evolution of power according to appropriate models. On the other hand, the armed conflict between the Sinhala-dominated Sri Lanka Government and the Tamil people in the north and east of the island led by the Liberation Tigers of Tamil Eelam had now continued for several years, taking a heavy toll in human life and suffering.

The continued refusal of the Sri Lanka Government to recognize the existence of the Tamil homeland in the north and east had served to prolong the conflict, he said. The peaceful and constructive resolution of the conflict in the island would not be furthered by the Sri Lanka representative dismissing an analysis of the root causes of the conflict as "baseless propaganda" or by categorizing the armed Tamil resistance which arose from decades of oppressive rule by an alien Sinhala majority as "terrorist activity". The Commission should adopt a less alarmist approach than that suggested by Sri Lanka.

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MALIK OZDEN, of the Centre Europe-Tiers Monde, said the destruction of the environment was not just a threat to the survival of the human race, but carried immediate consequences for the world's indigenous peoples. He referred to the case of the Udege community in Siberia, close to the Korean border. The planned deforestation of a large plot of their land in 1989 by a company based in the Republic of Korea would have threatened their survival. Following a great deal of opposition, the contract had been cancelled by the Supreme Court of Russia.

Others, such as the Penan tribe in the Malaysian province of Sarawak, however, were not so lucky, he said. The deforestation continued. A moratorium now set for the year 2000 would be too late for both the forest and its inhabitants. He also drew attention to the situation on Mount Apo in Mindanao, Philippines, and indigenous lands in the Brazilian Amazon. The Brazilian Government used financial arguments for the non-recognition of indigenous lands. He urged the international community to support the demands of the indigenous peoples in this latter case.

VILMA NUNEZ DE ESCORCIA, of the Commission for the Defense of Human Rights in Central America, said that the 50 indigenous peoples and communities in Central America had contributed to the traditions, solidarity and dignity of the region. However, those peoples were usually excluded from the decision-making process and from taking part in national development. The right to autonomy had been achieved in Nicaragua and in Panama. However, as in other States, that right was often affected by policies of land expropriation and exploitation.

In Guatemala, she continued, those systematic policies affected the rights of 7 million indigenous people or 70 per cent of the population. The situation of human rights in Guatemala was serious enough to warrant transfer of the case of Guatemala to agenda item 12. That would be a fine way to commemorate 1993 as the Year of Indigenous Peoples. An investigation should take place into the specific violations of the human rights of the Maya people. Governments of Central America should also comply with their obligations under the instruments of international laws designed to protect the indigenous peoples.

ANNE C. BLOCH, of the Minority Rights Group, said it had become clear recently in conflict resolution, reconciliation and peace-building that the protection of minorities was a central issue. What would become clear, but was not yet fully accepted, was that full minority rights needed to be provided in every State.

The United Nations Declaration was a very important step towards furthering the philosophy of States as plural societies allowing for different cultures, languages and religions to coexist peacefully, she said. However, the understanding of minority rights was very limited and much needed to be done to further the understanding of the link between inter-community relations and minority rights. Minorities had often been looked at as homogeneous entities, although they were, in fact, complex. The United Nations advisory services and technical assistance programme in the field of

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human rights, with the help of relevant non-governmental organizations, should draw up a special programme for the promotion of the Declaration and confidence-building measures between communities, she continued. A working group open to minority representatives should be established giving the minorities a platform where they could raise their concerns. Also, a dialogue between Governments and minorities should be encouraged, and a special rapporteur should be appointed to act as early warning mechanism.

Statements on World Conference

JAVIER RODRIGUEZ ALPIZAR (Costa Rica) said the forthcoming Human Rights Conference would be an opportunity to revise, analyse and propose new methods for the promotion and protection of human rights. Old dogmas had been replaced by dilemmas brought about by increased intolerance, racism and xenophobia. The World Conference should set objectives and establish an agenda in a pragmatic way. The Conference should also provide an opportunity to attain absolute universality of human rights instruments. It should focus on refugees and migrants, especially women. Children, too, required special protection.

Above all, he said, human rights should be seen as indivisible, inalienable and interdependent. No right was more important than another. Focus should also be put on the specific challenges faced by developing countries. However, the developed world had a role to play in helping developing countries avoid the consequences development could have for the enjoyment of human rights. New ways should be sought to consider whether human rights procedures and mechanisms were effective. The proposed establishment of a United Nations High Commissioner for Human Rights should also be considered seriously at the Vienna meeting.

Mr. HALINEN (Finland), speaking on behalf of Nordic countries, stated that political will and mutual understanding would be needed to create a foundation for a successful outcome of the Conference. The Nordic countries welcomed the consensus approval by the General Assembly of the Conference agenda. The various regional and interregional meetings had contributed to the preparations for the Conference in an encouraging way. Many satellite meetings had provided the preparatory process with valuable suggestions and recommendations. Participants in the Strasbourg meeting and in the Lund seminar had expressed a firm determination to strengthen further the United Nations human rights programme and the implementation of human rights standards.

The Nordic countries, he said, expected the World Conference to advance the discussion on the interlinkages between human rights, democracy and development. The World Conference was an important opportunity to be seized by the international community to confirm the universality of human rights, to pursue a constructive dialogue on ways and means of improving their implementation and thereby helping to promote democratic progress and development. Governments attending the Conference should reaffirm their responsibility for the implementation of human rights. The Nordic countries

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hoped to see in the concluding document of the World Conference reference to concerns such as the plight of most vulnerable groups, the child, indigenous peoples, the victims of war, women, displacement and persecution.

SERGUEY I. KOSSENKO (Russian Federation) said that informal elaboration of the final documents of the World Conference should begin right away. They should reflect a global consensus on the promotion of the universalization of norms and standards of human rights. There could be a proclamation at the Conference of an international decade for human rights and of a related plan of action. Other charters and plans could also be adopted. The provisional agenda provided an excellent framework for the Conference. Giving priority to any particular human right should be avoided.

Bloc confrontation should not be replaced by a split based on North-South, rich-poor divisions, he continued. A common outlook should be sought -- that was the modern concept of human rights. Success would only come, however, if finances for the promotion and protection of human rights within the United Nations system would be increased. It was time to consider applying for funds from the transnational corporations. Russia supported the idea of holding a working meeting of national human rights institutions within the framework of the Conference to that end.

COLIN WILLIS (Australia) stated that Australia hoped to play a constructive role at the World Conference. Australia had a number of ideas about positive outcomes and would develop them at the fourth preparatory session in Geneva in April. A matter of special interest to Australia and to some other countries was the proposal for the World Conference to adopt the concept of national action plans. Australia's proposal was that the Conference invite each State to draw up a written plan of action identifying steps whereby that State would improve its observance of human rights. States could then inform the Commission of their plans.

Each State would choose whether or not to commit itself to an action plan, and each State choosing to do so would have sole responsibility for its own plan, he said. Each State, in the preparation of its plan, would take its own circumstances as the starting point. Action plans could assist States to identify and extend their activities aimed at the promotion of human rights, thereby strengthening the human rights system. The concept did not involve any imposition on States. All States could improve their human rights performance and commitment to a national action plan could be an effective way of doing so.

Rights of Reply

SIRAJ ELDIN H. YOUSIF (Sudan) said that the orchestrated campaign by a number of non-governmental organizations against Islamic countries in general and Sudan in particular revealed that those organizations promoted religious intolerance. None of the matters raised by them were true. Certain sources indicated that these organizations worked closely with the so-called Sudanese People's Liberation Army (SPLA) in southern Sudan. Those organizations had also failed to inform the Commission of the atrocities committed by their ally, the rebel leader John Garang, who had kidnapped more than 50,000

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children under the age of 14 as recruits for his army. Rape was alien to the Sudan's culture and behaviour. The accusations of rape and "ethnic cleansing" were not acceptable. The Sudan did not impose Islamic law on non-Muslims, nor did it target non-Muslims in the war in the south, as those groups falsely alleged. The campaign of vilification against the Sudan showed complete disregard for the truth and sought to achieve political aims without regard to morality.

MUSHAHID HUSSAIN (Pakistan), responding to a statement made by the International Association for the Defence of Religious Liberty, said the blasphemy laws in Pakistan applied equally and uniformly to all with reference to protecting all revealed religions and their prophets. Nationalization of educational institutions in 1972 had been across the board for both Muslims and Christians. Islam was the most tolerant of all religions, especially in its attitudes towards other religions. No Muslim society had ever subjected a non-Muslim people to "ethnic cleansing" or genocide.

SATISH CHANDRA (India) said the recent violent incidents in India were an exception and not the norm. The Constitution of India protected its citizens against discrimination on grounds of religion, race, sex and caste. Minority rights were further guaranteed by the judiciary and the independent press in India. There were many minorities in India. The country's 100 million Muslims participated in all aspects of India's laws. Three out of nine Presidents had come from minority communities. The recent riots were a result of tensions between communities. They were exacerbated by outside forces. The Government had taken prompt action following the destruction of the Babri Mosque. Over a few days, numerous temples had been destroyed and Pakistan had deliberately instigated communal tensions. The minorities of Pakistan feared religious apartheid.

ABDUL NASIER (Indonesia) said the Minister of Justice of Angola had referred to the so-called question of East Timor. Indonesia was seriously concerned over the violations of aspects of human rights still continuing in Angola, many of them unnoticed by the Commission. Thousands of people were reported dead and many more continued to suffer from the tragic conflict. As in the case of some other former Portuguese colonies, the root cause of that problem was the "completely bungled" decolonization process. It was to free themselves from such a "horrible colonial legacy" that the people of East Timor had chosen their path of independence through integration with Indonesia.

J. SILVERA NUNEZ (Cuba) said the statement by a non-governmental organization was based on a lack of knowledge. The speaker had referred to ethnic groups. However, there was no concept of ethnicity in Cuba. The representative of that group had also said that there had been progress in the elimination of apartheid in South Africa. His reference to ethnic groups in Cuba showed his racist thinking.

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Mr. HUSSAIN (Pakistan) said that in 1984 India had practised "ethnic cleansing" against the Sikhs. Between 1981 and 1991, many Muslims in India had been massacred. Those examples were no aberration. He asked whether there was ethnic cleansing in India, as asserted in certain United States newspapers.

Mr. CHANDRA (India) said Pakistan's position on the situation of minorities in India was completely unjustified and politically motivated The recent incidents had been condemned not only by the leaders but also by the people of India. In contrast, Pakistan openly oppressed minorities. Its support for the destruction of worship places such as churches was well documented. Pakistan was currently taking action to include religious affiliation on identity cards. That country was using the Commission for a debate on Indian-Pakistani relations.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/422
18 February 1993

INTERNATIONAL YEAR OF INDIGENOUS PEOPLES COMMEMORATED BY COMMISSION ON HUMAN RIGHTS

1992 Nobel Peace Prize Winner Rigoberta Menchu Addresses Special Session

GENEVA, 17 February (UN Information Service) -- The International Year of the World's Indigenous People (1993) should be a time for action and not just an occasion for commemorative ceremonies, Rigoberta Menchu, winner of the 1992 Nobel Peace Prize, told the Commission on Human Rights this morning. Addressing a special session of the Commission dedicated to the year-long United Nations celebration of the contributions and cultures of indigenous peoples, she said the Organization must play a more active role in helping indigenous peoples defend their rights and their cultures.

Ms. Menchu, a member of the Quiche tribe of Guatemala, said she hoped the Nobel Prize would serve as an opportunity to break the world's silence on the terrible plight of indigenous peoples. The observance of the International Year marked the first time the attention of the United Nations had been focused directly and solely on indigenous peoples. She called on the Commission and on the United Nations to take practical measures to support the human rights and the cultures of indigenous peoples, and to provide them greater official access to United Nations bodies and activities.

The Chairman of the Commission, Mohamed Ennaceur (Tunisia), in an opening statement, said that if the world's 300 million indigenous people had been victims in the past, they would be made partners in the future to help build a more harmonious world. The diversity of human society -- its languages, traditions and cultures -- must be preserved.

Antoine Blanca, Under-Secretary-General for Human Rights and Coordinator for the International Year, said that indigenous peoples, were among those most maltreated in society, whether they lived in rich or poor countries. They had been dispossessed of their lands and natural resources during the colonial era, and subsequently ignored or even persecuted by Governments. He said the International Year should mark the beginning of a new, more fruitful partnership between them, their host countries and the international community.

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Erica-Irene A. Daes, Chairman of the Working Group on Indigenous Populations, said the indigenous people had much to offer the rest of the world in building environmentally sound and sustainable development. The special needs and perspectives of indigenous peoples should be included in global development plans.

Non-governmental organizations representing indigenous peoples that addressed the Commission were: the Grand Council of Crees of Quebec, World Council of Indigenous Peoples, Inuit Circumpolar Conference, International Indian Treaty Council, Indian Council of South America, Nordic Saami Council, International Organization for Indigenous Resource Development, International Work Group for Indigenous Affairs, Indigenous World Association and the Four Directions Council. The International League for the Rights and Liberation of Peoples then issued a common declaration on behalf of other non-governmental organizations at the special session.

Statements Made

MOHAMED ENNACEUR (Tunisia), Chairman of the Commission, noted that the idea of dedicating a year to indigenous peoples had germinated in the Commission in 1990. Next year, the Commission would assess the activities of the Year. The Commission would also soon be in a position to consider the draft declaration on the rights of indigenous peoples. The 300 million indigenous people around the world were often the poorest, most marginalized and thus the most vulnerable. They had lost their lands due to colonization and their culture through assimilation. The diversity of human society -- its languages, traditions and cultures -- had to be preserved. If they had been victims of history in the past, indigenous peoples should be partners in the future to help build a more harmonious world. The indigenous peoples of the world awaited justice and respect for their fundamental rights. Their voices should be heard.

ANTOINE BLANCA, Under-Secretary-General for Human Rights, said that indigenous peoples were among the most maltreated in society, whether they were in rich or poor countries. In many cases, colonialism had taken away their lands and their natural resources. Government practices and attitudes had marginalized them. In recent years, it had become apparent how much the world's indigenous peoples looked to the United Nations for the promotion and protection of their human rights. In addition to special programmes established in connection with the observance of the Year, he said he had been assured by colleagues in other United Nations programmes and agencies that they would pay additional attention to the issue and undertake specific projects involving indigenous peoples.

The launching of the International Year symbolized the beginning of a new relationship between indigenous peoples and the international community, he said. The aim of the Year was to establish a relationship between indigenous peoples and States, and between indigenous peoples and the United Nations. A voluntary contributions fund had been established for the International Year with an initial objective of $500,000. Contributions totalling $600,000 had already been received, either in cash or in human resources earmarked for

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specific projects. More than 50 projects suggested by indigenous peoples, principally from Latin America and Asia, would be taken into consideration. Rigoberta Menchu of Guatemala, the 1992 Nobel Peace Prize winner, had agreed to serve as Ambassador for the International Year, he noted. She would help to promote the work, problems and accomplishments of the world's indigenous peoples.

ERICA-IRENE A. DAES, Chairman and Rapporteur of the Working Group on Indigenous Populations, said that the Working Group would complete the drafting of the declaration on the rights of indigenous peoples at its next session in July. The draft declaration reflected the beliefs and aspirations of indigenous peoples themselves. It would stand as an important international instrument and a guide for priorities and action by Member States. The International Year provided the impetus to accelerate the process of change, she continued. The theme for the International Year, "Indigenous People - A New Partnership", meant putting an end to racism and colonialism long suffered by indigenous peoples and the beginning of a new era marked by participation, self-government, autonomy and self-determination. Indigenous peoples demanded the right to self-determination, the right to rebuild their communities in dignity and partnership with Governments, with freedom of choice, and with the support of the United Nations system.

She recommended the outline for an "agenda for indigenous peoples", to guide the work of the United Nations in 1993 and beyond. The agenda would include the special needs and perspectives of indigenous peoples in global development policy, given their accumulated knowledge of ecology and other sciences aimed at achieving environmentally sound and sustainable development An inter-agency research programme could also be established to monitor the conditions in which indigenous peoples lived.

LIGIA GALVIS, Chairman of the technical meeting for the International Year, said it was time to overcome unfounded protectionism, to recognize cultural pluralism and to recognize the contributions of indigenous peoples. The International Year should not be an isolated event, but the beginning of a long-term policy, within the United Nations, of supporting, protecting and learning from the world's indigenous peoples.

TED MOSES, a representative of the Grand Council of the Crees of Quebec, said that discrimination against indigenous peoples was one of the major manifestations of human rights abuse in the world. Yet, certainly at the international level, there was both a failure and a political reluctance to recognize its severity and scope. The indigenous peoples of Canada, Guatemala and Colombia all suffered terrible human rights abuses. This year the international community should make an effort to learn about discrimination against indigenous peoples; to understand its prevalence in countries that had a good reputation for practising democracy; to understand its murderous nature in countries that were not democratic and to understand the need to protect their rights as a people not only as individuals. The Commission on Human Rights should place an additional item on the agenda for its next session

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entitled "discrimination against indigenous peoples" and the United Nations should establish a permanent indigenous advisory body of experts to deal with issues affecting indigenous peoples.

A representative of the indigenous peoples of Colombia, JOSE PINACUE ACHICUE, called for an end to the violations of the human rights of his people. In Colombia, he said, indigenous leaders were being murdered. He called upon the international community to monitor such violations.

MARC LECLAIR, of the World Council of Indigenous Peoples, said there was a need to bring awareness, to seek compassion and, most importantly, to encourage a long-term process for finding solutions to the social and economic conditions of indigenous populations. The Metis Nation and other indigenous peoples believed that at least part of the solution was the fuller recognition of their rights, particularly the recognition of the inherent right to self-government. Change today was the history of tomorrow. The Metis Nation and the World Council believed that change required evolutionary institutional changes within the United Nations system. The Human Rights Commission should play an active role in promoting the declaration on the rights of indigenous peoples and monitoring its observance. The Working Group, with indigenous representation, should be elevated to a subcommission of the Human Rights Commission. There should be an officer for indigenous peoples at the level of a High Commission officer, he said.

WENDY MOSS, of the Inuit Circumpolar Conference, said that indigenous peoples feared that the International Year might prove to be a symbolic gesture without substantive and lasting results. The Inuit were still greatly concerned that the United Nations system had not focused adequately on measures that would have lasting and substantive effect. She asked the United Nations to establish a permanent advisory body to the United Nations such as a commission on indigenous peoples, with indigenous membership. The creation of such a body would be a meaningful and practical way to commemorate most unequivocally the United Nations commitment to the theme of new partnerships while ensuring an in-house source of expertise and advice on indigenous issues. The rights of indigenous peoples should finally gain a place on the formal agenda of the Commission. There was a general need to encourage all United Nations agencies to become more aware of, and more actively involved with, the concerns of indigenous peoples.

BILL SIMMONS, of the International Indian Treaty Council, said that in commemoration of the International Year, a special dedication must be acknowledged in honour of Chief Deskaheh of the Cayuga Nation of north-eastern America, who first appeared before the Commission in Geneva in 1923, setting an historic precedent. Traditional indigenous peoples from all over the world had survived 500 years of terrorism, genocide, rape and plunder of their sacred and traditional land, invasion and theft of traditional territories, destruction of whole nations and the denial of the right to nationality and identity. And the most crucial of all, the right to practise one's spiritual way of life on the land of one's ancestors.

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Today, indigenous peoples were on a collision course with the industrial and consumer societies, he continued. The new partnership being touted today had to be viewed with suspicion. The Council was prepared to participate in the new partnership if States respected the right to self-determination; if the Earth was respected; and if spirituality was respected; and if treaty rights and agreements between indigenous peoples and States were respected. He requested the Commission to study the critical situation in Guatemala as a matter of high priority.

LAZARO PARY, of the Indian Council of South America, said that, contrary to legend, indigenous peoples from Alaska to Terra del Fuego had written down their history for the past 6,000 years. Ninety million Indians had been exterminated during the colonization period. Today, the descendants of those victims were calling upon Spain, Portugal and other Powers to recognize the human tragedy they had caused. They should apologize for their actions. Five hundred years later, Western culture continued to dominate and deprive indigenous peoples of their human rights. The International Year could be commemorated by bringing an end to the morally degrading position of indigenous peoples. Tangible solutions should be found. The Commission should recognize the Indian identity as peoples, not peasants. The political will should be generated to adopt the declaration on the rights of indigenous peoples.

The international community should recognize the right to self-determination of indigenous peoples and restore stolen land to its rightful owners, he said. Bilingual systems should be introduced into educational institutions, particularly in countries where indigenous peoples constituted the majority.

RIGOBERTA MENCHU, winner of the 1992 Noble Peace Prize, said she hoped the International Year could mark the start of fresh relations between the world and its indigenous peoples. For more than 10 years, she had been rubbing shoulders at the Commission with other non-governmental organizations at the back of the hall. The Nobel Peace Prize, she hoped, would serve as an opportunity to break the silence on the conditions of the world's indigenous peoples and help them build a peace with social justice.

The International Year was the first time attention had been focused directly and solely on indigenous people. The Year should encourage exchanges and contacts between various cultures and peoples. The Year should be more than commemorative ceremonies; it was a time to bolster efforts and programmes under way to promote the rights of indigenous peoples, including those going on outside the Commission and those undertaken by groups of indigenous peoples. Despite recent world attention, the ceremonies connected with the International Year were not enough. Indigenous people continued to be sidelined and marginalized during decision-making on matters that affect their future. The United Nations must take a more active role to help indigenous peoples actively defend their rights and their cultures. The International Year must mean more than symbolic attention from the countries of the world; the cultural, material and social rights of indigenous peoples could no longer be left on hold -- immediate action was required.

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Indigenous peoples must have greater opportunities for expression within the United Nations system, she stated. Very few organizations representing them had consultative status with the Economic and Social Council. Representative participation should be allowed at the upcoming World Conference on Human Rights. On another issue, she said that the human rights situation in Guatemala continued to be grave. The Commission should not have reduced its role and presence there. The international community owed it to the victims of human rights abuses in Guatemala to treat the systematic violations of human rights there with appropriate concern and consideration.

LARS ANDERS BAER, of the Nordic Saami Council, said that the Saami Nations -- Finland, Norway, Russia and Sweden -- hoped that the International Year would serve to further the development of cooperation and respect for human rights which were necessary for the survival of indigenous people. The substance of the draft declaration was more important than the date of adoption, and he hoped the declaration would be as comprehensive as possible.

Participants at a conference on cooperation in the Barents Euro-Arctic Region which had taken place on 11 January in Kirkenes, Norway, had expressed the conviction that expanded cooperation in the region would contribute substantially to stability and progress in the area and in Europe as a whole, he said, where partnership was now replacing the confrontation and division of the past.

WALLIC LITTLECHILD, of the International Organization for Indigenous Resource Development, said that indigenous peoples from all over the world had been to the United Nations many times over the years to argue their case. They had, through their respective leadership today, presented many positive solutions in advocating change. There had been wrongs done in the past and there was a need to correct injustice. Yet, one could see tremendous progress. The successes over the past decade at various international forums should not be overlooked. Those included the Convention on the Rights of the Child and the establishment of the Working Group on Indigenous People. While those were not perfect solutions, they marked significant progress for indigenous nations since 1977.

The right of indigenous people to develop natural resources as a means of creating self-sufficiency, including the right to the ownership of minerals, had also been put forward, he said. While education continued to be a priority, health also became a focus during the Year, with positive activities like the North American Indigenous Games being hosted in Canada..

SHARON VENNE, of the International Work Group for Indigenous Affairs, said the people of Bougainville were facing their fourth year of constant siege and deprivation by Papua New Guinea. Papua New Guineans knew in their hearts that they had no traditional or cultural claims over Bougainville. They were supporting a colonial division which had no real meaning for indigenous people. Papua New Guinea, as an indigenous State, by denying others the right to self-determination, was keeping the foot against the door for all indigenous peoples less fortunate than themselves. It was a very selfish attitude. All indigenous people around the world should communicate their displeasure to the people of Papua New Guinea for denying Bougainville self-determination and for seeking to destroy, with armed force, an entire culture and people.

JUANA TIPAZ, of the Indigenous World Association, said that the Mayan people of Guatemala were studying and rediscovering their social, political and cultural roots, which had been disregarded for so many years and held in contempt by armies and Governments. The Mayan religion was also being revived. The Mayan people were rediscovering connections otherwise broken by the military and by Governments. They were seeking harmony and balance with Mother Earth, which had been stolen from them 500 years ago. Various Mayan organizations were struggling for self-determination. The Guatemalan army must stop persecuting the Mayan people, he said.

KONRAD SIOUI, of the Four Directions Council, said that to be recognized as nations in the family of nations, the world's indigenous peoples, 90 per cent of whom were not represented by non-governmental organizations, must be able to come before the Commission and to speak before the Economic and Social Council. The participation of non-members of the Commission must be reconsidered.

JOSE LIRIO YANGUA said that Peru should recognize the multi-ethnic context of the Amazonian peoples. That Government should provide for the participation of Amazonian groups at all levels of public and political life. Isolation and exclusion would not build a better human life.

JOSE CABACANGO said the cultural identity of Peru's indigenous communities was being ignored. Forced militarization, the exploitation by transnational corporations and other forces were destroying the Amazon forest -- the lungs of the world. The excuses of development and modernization were used to justify extermination of the people.

JUAN LEON ALVRADO, speaking on behalf of the Mayan people, said that respect for indigenous peoples was urgently needed -- respect for their life and culture. A specific item on the rights of indigenous peoples should be included permanently on the agenda of the Commission. The hope of indigenous peoples was for life itself -- an end to death and systematic repression.

P. BIRRAUX-ZIEGLER, of the International League for the Rights and Liberation of Peoples, speaking on behalf of other non-governmental organizations, said they were committed to the rights of indigenous peoples and appealed to Governments to contribute to the Voluntary Fund for the International Year. In future, a special item on the Commission's agenda should be devoted to indigenous populations.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/423
23 February 1993

HUMAN RIGHTS COMMISSION DISCUSSES WORLD CONFERENCE ON HUMAN RIGHTS

Rights of Indigenous Peoples and Minorities

(Delayed in transmission.)

GENEVA, 17 February (UN Information Service) -- The World Conference on Human Rights should strengthen the Centre for Human Rights which had the mandate to advance the cause of human rights around the world, said the representative of the United States during this afternoon's discussion in the Commission on Human Rights.

The Centre for Human Rights was underfunded, receiving about 1 per cent of the United Nations budget, he said. The identification of waste and inefficiency in the Centre and locating other sources of funds were both necessary to increase the Centre's funding.

The representative of India, speaking on behalf of the non-aligned countries, said the forthcoming World Conference should place development at the centre of global concern. Members of the United Nations should resist the temptation to misuse the Conference for scoring political points, she added. The representative of China said that countries should avoid launching political or ideological attacks in the name of promoting human rights.

The Commission was discussing preparations for the World Conference on Human Rights that is to be held in June in Vienna. The Commission also concluded its commemoration of the International Year for the World's Indigenous People (1993). Also this afternoon the Commission began its consideration of a report of the Subcommission on Prevention of Discrimination and Protection of Minorities.

The representatives of Australia and New Zealand described national efforts to advance the partnership between indigenous people and the rest of society and efforts to further define and protect their rights. The representative of the Russian Federation conceded that in the past the

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indigenous people of Russia had been brought to the edge of oblivion by "bureaucratic soulessness", but that efforts were currently being made to redress the situation.

Taking part in the debate on the report of the Subcommission were the representatives of Chile, Iran, Kenya, Senegal, Russian Federation, Slovak Republic, Australia, Canada, United States, New Zealand, Sweden, Japan, Venezuela, Sri Lanka, India, China, Austria, Brazil, Poland, Mexico, Tunisia, Denmark (on behalf of the European Community), Sudan, Nigeria, United Kingdom and Norway.

The representatives of the following non-governmental organizations also made statements: International Organisation for the Development of Freedom of Education, Inuit Circumpolar Conference, Latin American Federation of Associations of Relatives of Disappeared Detainees, American Association of Jurists, Commission for the Defence of Human Rights in Central America, Grand Council of the Crees, International Association against Torture and Indian Council of South America.

Statements on Indigenous People

ROBERTO GARRETON (Chile) stated that a process of historical reparation had begun on 10 December, the day of the inauguration of the International Year for Indigenous People. The Year should mark a new partnership which could replace paternalism with cooperation. Latin American societies had begun a process of legal, institutional and economic evaluation in order to recognize the rights and cultural and spiritual values of indigenous people. In doing so, they were trying to learn their own history. The commemoration of the International Year should mark an operational and political commitment and not mere rhetoric. It should be the start of the inclusion of indigenous people in political decision-making.

SIROUS NASSERI (Iran), speaking on behalf of the Asian Group, said that the absence of tolerance for other cultures and values was recognized as the root cause of many of the world's current conflicts. The Group hoped that the declaration on the rights of indigenous peoples would soon be completed. More consideration should be given to the legal definition of the indigenous peoples, to avoid potential discrepancies and discord on the issue. The question of minorities as well as tribes in many countries should not be confused with that of indigenous populations. The term "indigenous peoples" could not be equated with either minorities or tribes or any other similar group. In fact Asia and Africa had been a melting pot of races and ethnic groups.

D.D.C. DON NANJIRA (Kenya), speaking on behalf of the African Group, said that resolution 1992/34 adopted by the Subcommission which called for the full participation by indigenous peoples in the preparatory process for the World Conference on Human Rights should be fully implemented. Indigenous peoples should be involved in decision-making processes at the national, regional and international levels on all matters relating to the International Year for the World's Indigenous People. In particular, cultural and family values of indigenous peoples should be recognized and given full respect.

ALIOUNE SENE, observer for Senegal, said that the International Year had a special significance for Africa. The previous year, 1992, had marked the 500th anniversary of the discovery of the Americas in 1492, which had been the beginning of the suffering of the indigenous people, as well as the beginning of the slave trade which had affected the African continent. The International Year should mark the beginning of a new era. Efforts should be undertaken during the Year to inform and convince the world of the views of indigenous people. The human rights treaty bodies should also contribute to the improvement of the situation of the indigenous people around the globe. The black population of South Africa was also an indigenous people. Indigenous people should be able to develop while preserving their cultural and environmental heritage. There should be meetings and an exchange of views between the indigenous people from various continents.

ALEXEI ROGOV (Russian Federation) said that the "new partnership" was part of a comprehensive strengthening and improving of international cooperation regarding the question of indigenous peoples. There was a legal vacuum surrounding the issue of indigenous peoples which should be filled by the draft declaration on their rights. Any outstanding problems preventing its completion should be resolved.

The situation of indigenous peoples in Russia had always been subject to "bureaucratic soulessness", he said, and had brought some peoples to the edge of oblivion. The Russian Government was taking steps to redress that situation. In spite of the heavy burden that that project placed on the State, the President had set up a National Council, which included participation by non-governmental organizations, to deal with human rights, education and health issues pertaining to indigenous peoples. More attention should be paid to the inherent expertise of indigenous groups, especially in the field of knowledge about the natural world, he said.

VLADIMIR GASPAR (Slovak Republic), speaking also on behalf of the Czech Republic and Poland, stated that the protection of the rights of indigenous peoples required more efforts in the field of both standard-setting and implementation, nationally and internationally. The Subcommission and its Working Group should increase their efforts to complete their work on the draft declaration on the rights of indigenous peoples. The promotion of the rights of indigenous peoples required greater endeavours by all United Nations human rights bodies using an integrative rather than a selective approach. The promotion and protection of the rights of indigenous peoples was a test of the practical significance given by the United Nations bodies to the principle of indivisibility and interdependence of all human rights.

P.A. WENSLEY (Australia) said that in Australia a wide range of activities were planned for 1993 to advance a new partnership of knowledge and understanding between aboriginal and Torres Strait Islander peoples and the broader Australian community. International conferences, international visitors and media promotions would enhance the awareness of Australians of indigenous peoples in other countries. Activities to enhance the economic, social and cultural position of aboriginal and Torres Strait Islander peoples

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would be carried out through Government policies and programmes. The Government was using consultative forums to maximize opportunities for such indigenous peoples.

The Year was an opportunity to set goals for action lasting well beyond 1993, he added. At the end of the year, the United Nations in conjunction with indigenous representatives must evaluate the results of country activities undertaken during the Year. The true success of the Year could only be measured in terms of effective action for the long-term improvement of the lives of indigenous peoples everywhere.

ANNE PARK (Canada) stated that two months ago, Canada had the honour of introducing the commemorative resolution for the International Year of the World's Indigenous People at the forty-seventh session of the General Assembly. The theme of the International Year, "Indigenous People - A New Partnership", was taken very seriously in Canada. While no constitutional change was possible in the immediate future, Canada remained strongly committed to making progress through a number of other processes.

Last fall, she said, a Royal Commission on Aboriginal Peoples had begun to examine the economic, social and cultural situation of aboriginal people in Canada. In addition, the Government remained committed to making progress on aboriginal self-government through non-constitutional means. Self-government negotiations continued to take place with Indian communities across Canada, and aboriginal people living off the reservation had access to a tripartite negotiations process that included provincial governments. Canada was committed to the further development, at both the national and international levels, of the new partnership that the International Year was promoting.

RICHARD SCHIFTER (United States) said that serious hardships resulted from clashes of cultures. Many tragic developments occurred as a result of such clashes in cultures, and were inevitably tragic to the indigenous peoples. However, rather than spending a great deal of time on the recounting of history, the focus should be on what could be done in practical terms to minimize the hardships which indigenous peoples suffered. What policies should Governments adopt that would help indigenous peoples protect their cultural heritage and at the same time obtain the economic and social benefits which a neighbouring culture might offer? Finding the answers to such questions was not easy. But the attention given those problems should not stop with words and declarations. Positive steps should be taken to deal effectively with the unique hardships faced by indigenous peoples throughout the world.

PATRICK RATA (New Zealand) stated that his country had been an enthusiastic supporter of the International Year from its inception. Within the Working Group on Indigenous Populations, work had been under way for several years on the drafting of a declaration on the rights of indigenous peoples. The declaration when finished would be a landmark development for indigenous people. The International Year, with its focus on partnership, had special meaning for New Zealand, a country which was founded on a contract between two races called the Treaty of Waitangi. The path to giving full meaning to the document's principles was not an easy one, he said.

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His Government had taken several steps to give the International Year a domestic dimension, he said. A National Committee to coordinate New Zealand's commemoration of the Year had been appointed. Its role was to promote a partnership perspective to commemorative projects; encourage Government agencies and the non-governmental sector to contribute funds and implement commemorative activities; and assist with the promotion of New Zealand's participation in international observances of the Year.

HENRIK SALANDER, observer for Sweden, speaking on behalf of the Nordic countries, said that the Nordic Governments paid special attention to programmes in education, health and the environment. One important task during the Year was to educate the general public about the culture and way of life of the Saami, as well as to encourage exchange of information between the Saami peoples in the Nordic region. To that end, committees had been established composed of Saami representatives and representatives from relevant ministries. The International Year should strengthen the cooperation between States and intergovernmental organizations, increase indigenous people's participation in decision-making and increase public knowledge and awareness of the resources of the indigenous people.

Statements on World Conference

ROBERTO GARRETON (Chile) said that four issues should be discussed at length at the World Conference on Human Rights. Those were the close relationship between development, democracy and human rights; improved monitoring mechanisms; the rights of indigenous people; and the concept of the administration of justice. Some delegations had expressed a dangerous approach to human rights during the preparatory debates, an approach that was state-centred rather than individual-centred. Many saw self-determination as belonging to Governments. That was completely untrue. Those who held the State-centred approach were even trying to limit the participation of non-governmental organizations at the World Conference. That attitude was contrary to the spirit of the Universal Declaration of Human Rights. The individual human being was at the centre of all the activities of the United Nations, he stressed.

J. KENNETH BLACKWELL (United States) said that one thing that could be done at the Conference was to strengthen an institution that had the mandate to advance the cause of human rights around the world, namely the Centre for Human Rights in Geneva. Only 1 per cent of the United Nations budget was allocated to the Centre. Moreover, budgets could not be expected to increase. If the Centre was to get increased funding, the money had to be found elsewhere in the United Nations system. Waste and inefficiency, both in the Centre and elsewhere had to be identified.

On the theme for the World Conference he suggested that: support for United Nations programme in human rights and for the Centre could be an overall theme. A hard look should be taken at various expenditures in the United Nations system to identify funds which should be reallocated to support new and existing programmes for the Centre. The Centre could also mediate conflicts among differing groups within a country. As problem situations

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arose, the Centre could, when appropriately requested, enlist the help of persons who could assist the parties in conflict or potential conflict situations to come together to discuss their problems. A valuable contribution which the World Conference could make to the realization of the objectives of the Universal Declaration would be to endorse the work of the special rapporteurs and to encourage the scope of activities of thematic rapporteurs.

TETSUO ITO (Japan) said that confrontation would not achieve results in the preparations for the World Conference. States with different views on different issues could work together towards a common goal of improving the human rights situation of every man and woman in a constructive and conciliatory spirit. Japan had difficulties with the concept of the right to development being considered a human right as it believed that it was the individual, and not the State, who was the beneficiary of human rights. However, a lengthy, sterile debate on that issue should be avoided.

The World Conference should also contribute to the strengthening of international human rights mechanisms and institutions, he added. At the forefront of the United Nations system for the promotion of human rights was the Centre for Human Rights, whose resources were severely restricted in the face of ever-increasing demands. Japan hoped that the World Conference would send a clear signal that the Centre deserved to be better equipped to play a central role in the promotion of human rights. Japan intended to make a contribution of $100,000 to the voluntary fund, pending parliamentary approval, in order to assist the least developed countries to participate in the World Conference.

MARTA DI FELICE (Venezuela) said the World Conference was a good opportunity to carry out a global analysis of the international system of human rights. Decisions, ideas, points of view from around the world should flow at the Vienna meeting. The Conference should send a clear message on the obligations of all States to guarantee respect for human rights through domestic efforts and international solidarity and cooperation based on the Charter and other human rights instruments. The regional meeting on Latin America and the Caribbean had resulted in the Declaration of San José which reflected their commitment to human rights. In particular, it reflected the relationship between development democracy and universal respect for all human rights, as well as the belief that social economic and cultural rights and civil and political rights were indivisible.

NIHARA RODRIGO (Sri Lanka) stated that international cooperation in the field of human rights had resulted in many significant achievements. However, that process had been hampered by a selective approach which had emphasized certain rights over others. It had also resulted in politicizing the criteria for monitoring compliance with human rights instruments. The universal, objective and non-selective nature of human rights, both in its content and applicability should be highlighted in the World Conference. Recognition of the universal nature of human rights was not incompatible with regional and national specificities.

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The true meaning of the indivisible nature of human rights was that no particular emphasis should be given to one category of rights over others, he said. Recommendations for "enhancing effectiveness" involved a review of existing human rights mechanisms and a commitment to eliminate duplication in existing procedures. Prudence should be exercised in creating new mechanisms whose mandates could overlap with existing bodies. Action to ensure universality, objectivity and non-selectivity as well as the right to development could greatly enhance the effectiveness of United Nations activities and mechanisms. The consideration of "contemporary trends and new challenges" should focus on obstacles posed by terrorism to the enjoyment of human rights. That phenomenon which had become increasingly prevalent, particularly in democratic countries, should be condemned by the World Conference. The key principle of sovereignty should be the basis of all recommendations and outcomes of the World Conference.

NEELAM D. SABHARWAL (India) said that the regional preparatory meetings were extremely useful for sharing views at the regional level and highlighting the objectives of the World Conference. The report of the Bangkok meeting would be an important input for the Conference, representing ideas from the world's largest continent. Monitoring and controls coupled with threats of sanctions were not the best way to achieve the enjoyment of all human rights. Promoting the respect for human rights and fundamental freedoms was a process of evolution which required compassion and tolerance. It was not enough to acknowledge the rights set out in the Universal Declaration. Conditions had to be created for the effective enjoyment of such rights. Democracy, freedom and tolerance were necessary to enjoy human rights but they did not guarantee their enjoyment.

The 1993 World Conference had to place development, without which democracy would wither away, at the centre of global concerns so that the weakest and the poorest would be enabled to enjoy human rights, she went on to say. Members of the Unites Nations should resist the temptation of misusing the Conference for scoring political points against countries whose Governments or policies did not fit into their predetermined scheme of things. It should also not be another occasion for imposing the political will of the powerful few, nor as a forum for raising bilateral issues. Sponsorship of terrorism or allowing the use of national territories for committing terrorist acts against other countries constituted a violation of the principles enshrined in the Charter and had to be unequivocally condemned by the international community.

ZHANG YISHAN (China) stated that the World Conference should, first of all, give priority consideration to the massive and gross violations of human rights resulting from racism, racial discrimination, apartheid, colonialism, foreign aggression and occupation. It should then seek more effective ways and means to stop those actions. The Conference should reiterate the principle of respecting State sovereignty contained in the United Nations Charter and international law, which formed the basis for the realization of human rights.

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The Conference should reiterate respect for the right of peoples to self-determination, he stated. The Conference should also reaffirm the right to development as an inalienable human rights. It should further introduce some effective measures and a monitoring mechanism for the realization of the right to development. The Conference should advocate international cooperation and an exchange of views on the basis of mutual respect. It should avoid ideological debates, and the exerting of political pressure. The United Nations forum should not be turned into a place for one country to launch political attacks against other countries in the name of promoting human rights.

C. STROHAL (Austria) said that when world leaders would meet in less than four months in Vienna, they would have a unique opportunity to review the current international system for the protection and promotion of human rights. They would also have to chart the way for the years ahead. The Commission, as the central political body in the international human rights system, was faced with an ever-increasing challenge and workload. The World Conference should identify ways to enable the Commission to respond more effectively to those challenges. The Centre for Human Rights also had an increased workload and responsibilities. The Secretariat needed sufficient resources in order to fulfil its duties. To make the international human rights system more effective, it was necessary to adopt an integrated approach, encompassing Governments, experts, treaty monitoring bodies, the non-governmental organizations community and all elements of the Secretariat.

MARCOS GAMA (Brazil) said the Commission's agenda was by itself a proof that much remained to be done in human rights. The current international situation raised serious concerns over the deterioration of human rights, escalating conflicts involving minorities and the resurgence of racism and xenophobia in many parts of the world. The final document of the World Conference should include a target-oriented programme or plan of action providing concrete support to national efforts in human rights.

When considering a specific country situation, he continued, the Commission should take into account not only strict respect for political and civil rights in the country but also the overall social, economic and cultural conditions which were sometimes the root causes of violations and abuses. However, caution was required to prevent the use of such characteristics as an excuse for exempting States from respecting universal human rights standards. The Commission's experience in dealing with issues such as extreme poverty might be particularly useful. Further attention should be given to the questions of violence, the status of the underprivileged and unemployment, as well as their effect on the enjoyment of human rights. Brazil welcomed the fact that the provisional agenda devoted a specific item to the interrelationship between development, democracy and human rights.

KRZYSZTOF DRZEWICKI (Poland) said that since the preparatory process had turned out to be much more difficult than expected some observers had taken a rather skeptical view of the outcome of the Conference. But the long and often controversial discussions of the agenda of the Conference had some value. His Government strongly supported the holistic approach to human

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rights, the principle of universality, non-selectivity and indivisibility. Proper attention should also be paid by the Conference to the linkage between development, democracy and the universal enjoyment of all human rights.

E. PAZ CAMPOS (Mexico) said that the preparatory process had made it possible to assess the expectations of different countries from the World Conference. International cooperation in human rights should complement countries' own national efforts. The Conference would be discussing obstacles to the enjoyment of human rights. The creation of conditions for the full enjoyment of human rights was the reason why the right to development was considered as a human right. An accusatory approach to that right had discouraged the development of an atmosphere of trust which had impeded international cooperation in that area. Today, there should be a greater respect for the principle of sovereignty and the right to self-determination.

MONCEF BAATHI (Tunisia) said international relations were tending towards a new order, influenced by both developed and developing countries. The African nations were convinced that the World Conference would make an immense contribution to the cause of human rights.

No preconceived model could be prescribed for human rights at the universal level, given the variety of cultural, historical and other standards that existed from country to country, he said. The human rights situation in Africa was a disgrace, based in part on the effects of drought and famine. Much humanitarian help was needed. The world would look to the World Conference to address those problems, along with those of apartheid and of the occupied territories.

JAKOB ESPER LARSEN (Denmark), speaking on behalf of the European Community, said the Community was determined to contribute to the preparatory process in a spirit of openness and compromise. Together with many other delegations from all the regional groups, the European Community and its member States had been impatient to move on to the substantive issues of the promotion and implementation of human rights which should concern the World Conference. The European Community noted with appreciation that non-governmental organizations and national institutions for the protection and promotion of human rights would be able to participate actively. The Community reaffirmed its conviction that non-governmental organizations had an invaluable contribution to make towards a successful outcome and should be given the opportunity to do so in the preparatory process and at Vienna. The Community would continue to grant financial support for the participation of non-governmental organizations, especially from developing countries.

ALFRED FERNANDEZ, of the International Organization for the Development of Freedom of Education, said one of the central issues at the Conference would be the interrelationship between development, democracy and human rights. That would be the major issue of the end of the century, and might be called "human development". Human development underscored the role of education, which, to be successful, had to take place under conditions of freedom, democracy and political pluralism. Such pluralism did not take for granted human rights and standards held in common. The World Conference had to condemn energetically those Governments which did not respect education and the human rights inextricably bound to the educational process.

WENDY MOSS, of the Inuit Circumpolar Conference, said that the direct participation of indigenous peoples in the World Conference was a necessity. There should be an opportunity for indigenous peoples to directly address the Conference. There should be time set aside for indigenous peoples to speak generally about their human rights concerns and not just the question of the International Year for the World's Indigenous People. Equally important, was the need for direct participation of indigenous peoples and non-governmental organizations in the preparatory process. States should be encouraged to incorporate into their statements on each agenda item, positions relevant to indigenous peoples -- not to speak for indigenous peoples but to speak of the issues. Funding to ensure the participation of indigenous peoples and non-governmental organizations was critically important and the United Nations needed to ensure that resources were made available to fund an indigenous peoples forum prior to the Conference.

MAGDA GONZALEZ, of the Latin American Federation of Associations of Relatives of Disappeared Detainees, expressed concern that the proposal to hold national meetings to publicize the Conference had come to nothing. As the majority of the population was unaware of the upcoming Conference, a great opportunity was being wasted. During the Latin American and Caribbean preparatory meeting, it was disturbing that there was absolutely no discussion of the human rights problems of the region. Enforced disappearances, which affected at least 50 countries around the world, should be considered at the Conference. Also, indigenous peoples should have a separate agenda item at the Conference and at the annual meetings of the Commission on Human Rights.

BEINUSZ SZMUKLER, of the American Association of Jurists, said the problem of official impunity in the region was still serious as recently demonstrated by the Government of Argentina's decision concerning General Pinochet who was responsible for having overthrown the government of Salvador Allende in Chile. Official impunity destroyed the social fabric and brought terror and despair to people. It ensured the reproduction of injustice and the continuation of the status quo. The question of official impunity, therefore, deserved to be on the agenda of the World Conference. He said the policies and practices of the international financial institutions, the external debt of the developing countries should also be considered as obstacles to the enjoyment of human rights at the World Conference. The concept of democracy at the United Nations, including membership at the Security Council and the elimination of the veto should be examined.

VILMA NUNEZ, of the Commission for the Defence of Human Rights in Central America, said the participation of the non-governmental organizations was necessary for the true success of the World Conference. Therefore, the rules of procedure of the Conference had to include a provision allowing non-governmental organizations to speak, along with the full provision of information to them. At the Latin American Preparatory Meeting, it was

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regrettable that such organizations did not receive the information they needed on the meeting until the day before the meeting. The participation of indigenous peoples and other human rights groups had also to be guaranteed.

KONRAD SIOUI, of the Four Directions Council, said that the regional meeting at San José had decided that the indigenous people of Latin America could participate in the World Conference. That was not, however, the case with the indigenous people of North America and Brazil.

It was a serious mistake not to have a preparatory meeting in North America. It would be tantamount to saying that there were no problems of discrimination or racism in North America. It would be tantamount to saying that the jails of Canada were not filled with indigenous youth or that Canada did not have the highest rate of suicide among indigenous youth. The Vienna Conference would be illegitimate if the indigenous people of North America could not participate as nations. He urged the Commission to transmit this message to the appropriate quarters.

M.A. ELKARIB (Sudan) said his country had for a long time given human rights all the care they deserved, despite difficult internal circumstances. The country had hoped other issues could have been included in the agenda of the Conference such as foreign occupation and national sovereignty. The Conference should state that no political manoeuvres would be allowed during the discussion of human rights. There must be comprehensive, objective principles in applying the criteria of human rights. The Conference also should confirm the right to development as a basic right, which was no less important than other rights. Also, the Conference should offer the right of people to choose regimes that were appropriate to them, historically and culturally, without outside interference. The Conference should affirm that as a right.

Introduction of Report of Subcommission

MIGUEL ALFONSO MARTINEZ, Chairman of the Subcommission on Prevention of Discrimination and Protection of Minorities, introduced the report of the Subcommission analysing its method of work (document E/CN.4/1993/60). The report contained recommendations on the independence of experts, the preparation of studies, the adoption of opinions and resolutions, the holding of meetings, and the consideration of situations of large-scale or serious violations of human rights in specific countries.

Mr. Martinéz said the Subcommission had reduced the number of resolutions it had issued compared with previous years. Almost all of the resolutions passed in 1992 had been approved by consensus. Further, of the 12 decisions approved, all had been by consensus, a major improvement over the previous year. It indicated that the Subcommission was improving its methods of work.

As in previous years, Mr. Martinez said, the problems of apartheid in South Africa and of Palestinians in the occupied territories had received high priority. There also had been much discussion of the plight of indigenous peoples. Finally, there was growing concern within the Subcommission about impunity enjoyed by those who had committed human rights offences. Other matters considered by the Subcommission included a draft programme of action for the prevention of traffic in persons and the exploitation of the prostitution of others, and a report on the United Nations Trust Fund on Contemporary Forms of Slavery.

Statements Made

C.U. GWAM (Nigeria) said that he was delighted with the Subcommission's recommendation dealing with measures to combat racism and racial discrimination. On monitoring the transition process in South Africa, he said a good analysis of the obstacles preventing the democratization process in South Africa and suggestions on ways and means of eliminating them would help the international community in achieving its objectives in that country.

The recommendation that all Governments should take immediate steps to eliminate the practice of forced eviction was welcome, he said. The world body should move from rhetorics to reality on the issue of poverty alleviation and its eradication. He welcomed the appointment of a Special Rapporteur on the question of human rights and extreme poverty with the responsibility of preparing a study on that subject. The draft declaration on the rights of indigenous peoples should reflect the views, suggestions and recommendations of various Governments, he added.

DENIS MARANTZ (Canada) said the studies on the Cultural and Intellectual Property of Indigenous Peoples, and on Treaties, Agreements and other Constructive Arrangements should be completed expeditiously. The United Nations should continue to explore ways in which the indigenous peoples of the world could interact with the United Nations development system. One route might be the continuation of the Working Group on Indigenous Populations after it had completed work on the draft declaration.

In 1990, he said, the Prime Minister of Canada announced the establishment of a "Native Agenda" with the following four goals: accelerated settlement of land claims, enhanced social and economic conditions on reserves, improved relationships between aboriginal groups and governments, and addressing the concerns of aboriginal people in contemporary Canadian life. In other developments, the groundwork had been laid for the establishment of a new partnership between the Inuit and other residents of the eastern Northwest Territories and the Government of Canada. In consultations with the aboriginal people of Canada, concerns had been raised regarding indigenous participation in the Conference and the possibility for a preparatory process to deal with indigenous priorities. The Secretariat, in consultation with interested Governments, should address those points.

COLIN WILLIS (Australia) commended the efforts of the working group on indigenous populations to develop a draft declaration on the rights of indigenous peoples. Australia strongly supported the idea of a draft declaration and had sought to play an active and constructive role in the working group's deliberations. It was a very important means of promoting and protecting the rights of indigenous peoples. The draft had reached a stage

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where the Working Group should be strongly encouraged to complete its tasks with a view to having the declaration adopted by the Subcommission at its next meeting.

The Australian Government recognized that Australia's indigenous peoples continued to suffer disadvantage and injustice, and it was working hard to overcome the problems faced by indigenous Australians, he continued. Australia was one of the few Governments to have supported the inclusion of references to self-determination in the draft declaration on the rights of indigenous peoples. A system which guaranteed full and genuine participation and enjoyment of fundamental human rights, while recognizing the special position of indigenous peoples, could provide for effective self-determination.

D.I. CAMPBELL (United Kingdom) said his country welcomed the Subcommission's decision to limit the number of studies being undertaken at any one time. Even within that limit, which was quite high, the Subcommission should be vigorous in establishing priorities to ensure the most efficient use of its research capacity and to allow the more urgent or important studies to take precedence. His Government also welcomed the requirement that before any decision was taken on commissioning a full study, a Subcommission expert should first produce a preparatory document setting out the relevance of the study, its timeliness, its objectives, a general outline and a draft timetable.

On the number of resolutions adopted by the Subcommission, he said the Sub-Commission passed 39 resolutions at its last session, the same number as in 1991. There was a drop, however, in the number of decisions adopted. He also supported time-limits for speakers which, if enforced from the start of the session, could ensure a better allocation of time for each item and avoid the need to resort to additional evening meetings later in the session. Regrettably, the Subcommission had not adopted the guidelines for improved working methods until the end of the last session, rather than at the beginning.

HANS F. LEHNE (Norway) said the Working Group on Indigenous Populations should finish its work on the draft declaration this summer so that the Commission might start its consideration of the draft declaration at its fiftieth session next year. In finalizing its work on the draft, the Working Group should make every effort to elaborate provisions which would command broad international acceptance. Norway would like to consider future forms of communication and cooperation between the United Nations, Governments and representatives of indigenous peoples, in a continued dialogue between the interested and involved parties. The question should be kept on the agenda for further reflection and deliberation. Emphasis should be focused on projects which directly benefit indigenous peoples, who should take an active part in the planning, execution and evaluation of the projects.

Norway had contributed to the International Year, he said, by substantial cash contributions to the special fund established for the Year and by seconding a Saami representative to the Centre for Human Rights during the International Year. In addition, Norway channels approximately $5 million annually in direct assistance to indigenous peoples, primarily in Central

America. At the national level representatives of the Norwegian Government and the Saami Parliament had agreed on a plan of action for the International Year.

TED MOSES, of the Ground Council of the Crees, said the indigenous peoples were never asked if they wished to incorporate themselves into a State controlled by a foreign authority. They had not given their permission; and had never consented to the present arrangement. Only recently were the Crees made citizens of Canada; and even then they were neither consulted nor asked to agree to this externally imposed change in their status. Unlike any other inhabitants of Canada, they had been designated peoples who enjoyed the "special protection" of Parliament. Although the aboriginal peoples of Canada were legally unique, they did not prosper.

The only remedy was self-determination, he added. The indigenous peoples of Canada were, as a group, the poorest inhabitants, had the shortest life-expectancy, the highest suicide rate, the worst housing, the most deficient education, the highest unemployment, and the lowest income of any group in Canada. There was a need to improve international standards. When discrimination was applied to a group, the remedy could only be found in protection for the group. The drafting of the declaration on the rights of indigenous peoples provided the opportunity for the United Nations to proclaim standards which would prevent the conflict that ensued when the violation of a people's fundamental rights could no longer be tolerated. Indigenous peoples had reached that point, he said.

J. LEON ALVARADO, of the International Association Against Torture, said each year the Association followed the situation in Guatemala, which involved nine and a half million people who had been marginalized from the political, civil, social and cultural life of the country. The indigenous populations there had a practice of communal land ownership which had not been respected. In political life, indigenous peoples had their own social organization and enjoyed their own manner of discussion of community life, which was also not respected. Every day, increased militarization was imposed, and people were forced into the army.

The unity between indigenous peoples and the land had been shattered, he said. Language, customs and values were not respected. When indigenous peoples invoked their rights, they were immediately repressed. Assistance from the United Nations was urgently needed. During the International Year, the Commission should send a team to investigate the situation in Guatemala, particularly among the Mayans.

TOMAS CONDORI, of the Indian Council of South America, expressed appreciation for the proclamation of the International Year. It was a historic gesture, and it should be a decisive step for the future of all of the world's indigenous peoples. The Bolivian Government, he said, did not recognize the Aymaras and Quenchuas as indigenous peoples. Considering them as integrated, the Government felt it was not necessary to protect them. Investigations by the Working Group on Indigenous Peoples had concluded that indigenous peoples were far from enjoying equality in practice.

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Ms. MOSS, of the Inuit Circumpolar Conference, said that the United Nations, speaking of a "new partnership" with indigenous peoples, should act to ensure that those peoples had the same input at the World Conference and in developing the draft declaration as the Working Group.

The vast majority of the 52 aboriginal languages in Canada were under threat of extinction, she added. The right to speak one's mother tongue was useless if there was no one to speak it to, or if the language itself was lost. Indigenous peoples should be allowed to choose whether or not they wished to be assimilated. Rights involving indigenous peoples were not special rights -- they were human rights. Self-determination was a fundamental right of indigenous peoples; it should be respected the world over.

The representative from Argentina stated that the award presented to General Pinochet was one from one country to the head of the army of a neighbouring democratic country. That issue was extraneous to the Commission's work.

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United Nations

Press Release

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SUDAN'S MINISTER OF JUSTICE ADDRESSES HUMAN RIGHTS COMMISSION

GENEVA, 18 February (UN Information Service) -- Abdelaziz Abdalla Shido, Minister of Justice and Attorney-General of the Sudan, in an address to the Commission on Human Rights this morning, said that Sudan was seriously committed to ending its civil war. Certain Powers, rather than helping to resolve the conflict, were using it as a weapon to tear Sudan apart and waging an unfair campaign depicting the conflict as ethnically and religiously motivated.

Sudan had offered to cooperate fully with the United Nations and non-governmental organizations working in the humanitarian field, he said. It had opened up all corridors which were under the Government's control for the delivery of humanitarian assistance. Compared with other countries which were experiencing similar situations, the Sudan, he said, should be commended rather than condemned. He called the condemnation of Sudan by the General Assembly last November as unfair and politically motivated.

Also this morning, the Commission continued its debate on the work of the Subcommission on Prevention of Discrimination and Protection of Minorities.

The representative of the United States, referring to the human rights experts of the Subcommission, said that to some extent the membership of the Subcommission was made up of individuals without adequate expertise, who lacked sufficient commitment to the protection of human rights, and who were significantly influenced by the views of their Governments. The representative of China said that certain "abnormal phenomena", such as politicization of debates, double standards and selectivity, had prevented the Subcommission from effectively performing its functions and had compromised its reputation.

The question of compensation for women used as sex slaves by Japan during the Second World War was also raised by several non-governmental organizations this morning. The representative of one of those organizations said that Japan's continued denial of the fact that those women had been coerced, raised serious questions concerning the moral ability of Japan to play a positive role in intergovernmental fora.

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For information media—not an official record

The representatives of the United States, China and Chile took part in the morning's debate. The representatives of the following non-governmental organizations also made statements: International Educational Development, Liberation, International Fellowship of Reconciliation, Commission of the Churches on International Affairs, Four Directions Council, Pax Christi and the International Workgroup for Indigenous Affairs.

Statement by Sudan's Minister of Justice

ABDELAZIZ ABDALLA SHIDO, Minister of Justice and Attorney-General of the Sudan, said that despite the establishment of a new world order based on equality and justice, the world was divided by wealth and poverty, by knowledge and ignorance, advanced science and primitive medicine, satellites and hand-pulled carts. Some of the least developed countries were accused of violating human rights based on standards prevailing in developed countries. No consideration was given to the actual situation in the developing countries. The argument put forward was that the rights violated universal, basic standards. Yes, they were basic standards, he said, but their implementation was relative to the socio-economic and cultural values of those countries. Therefore, it was only fair and just for the international community to examine the actual situation facing the country concerned, before passing judgement.

The Sudan before 1989 was on the verge of collapse, he said, with war in the south, armed robbery in the west and millions of displaced persons all over the country. There was a state of complete lawlessness and absence of authority. The Government's priority, therefore, was to end lawlessness and banditry. But it took two parties to make peace. Unfortunately, the rebel leadership had been singularly uncooperative. Sudan welcomed any assistance from the international community in resolving the conflict. THe civil unrest was the direct cause of all the problems in the Sudan and an unfair campaign was being waged to characterize the conflict as ethnic and religious. Certain Powers, instead of helping resolve the conflict, were using it as a weapon to tear Sudan apart. His Government was seriously committed to resolving the conflict, he declared.

His country had welcomed United Nations involvement and had offered to cooperate fully with United Nations envoys and missions in an attempt to improve the situation. It had also cooperated fully with non-governmental organizations involved in humanitarian work and relief and had opened all corridors under the Government's control to ensure that relief supplies reached the poor and needy. Compared with what took place in countries facing similarly extreme situations, he said Sudan should be commended rather than condemned. The unfair and politically motivated condemnation of Sudan by the General Assembly last November was not a good example of fair or healthy United Nations practices. Sudan had amply refuted unfounded allegations and would continue to do so. He invited all delegates present at the Commission to visit his country. Sudan's record of human rights abuses had been exaggerated beyond truth. Double standards, selectivity and lack of objectivity would defeat the new international order and would cast doubt on its authenticity.

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The Minister of Justice assured the Commission that the negotiations with rebel movement to put an end to the conflict in the south were continuing. His country had set up an independent judicial fact-finding committee, presided over by a judge of the Supreme Court, to investigate allegations of abuse in Juba, said to have occurred in June and July 1992. The Minister said that all political detainees had been released and any future arrest would be subject to due process of law.

On allegations of human rights violations based on religious discrimination, he said Sudan was committed to creating a model of co-existence between various religious and ethnic communities. He admitted that Sudan was trying to encourage other communities in the country to emulate the Muslim revival. "We are also trying to harness the energies of Muslims in Sudan to help and assist their fellow-countrymen", he said. As a Government for all Sudanese citizens, "we would like to reflect the aspirations of all". The Government would also ensure that all religious communities in Sudan could prosper equally and in harmony.

DAVID WEISSBRODT (United States) said the Subcommission on Prevention of Discrimination and Protection of Minorities should consider adopting guidelines which would limit repetitive resolutions. The Subcommission had also failed to resolve the institutional problem concerning the appropriate role for alternate members of the Subcommission. Governments often nominated, and the Commission elected, individuals without the requisite expertise. To some extent, the Subcommission consisted of individuals without adequate expertise who lacked sufficient commitment to the protection of human rights and who were significantly influenced by the views of their Governments.

Further, he said, not all of the studies carried out by the Subcommission were particularly useful. The Subcommission in proposing studies, and the Commission in approving them, should consider carefully whether a concrete and significant result could be anticipated. The Subcommission's studies were often rendered useless because the Commission did not pursue the recommendations that came from those studies. The Subcommission should continue its efforts to streamline its work and concentrate on projects germane to its mandate on human rights, thereby cutting costly and extraneous projects.

ZHANG YISHAN (China) said that economic underdevelopment was the greatest obstacle to the full enjoyment of human rights and fundamental freedoms in developing countries. International protection of human rights would be empty words if enough attention was not paid to the priority concerns of those countries. He commended some of the studies done by the Subcommission, particularly those dealing with the relationship between environment and human rights; the influence of scientific and technological development on human rights; and new forms of racial discrimination and violence against foreigners. However, it was regrettable that the Subcommission had been prevented from effectively performing its functions by certain factors that had compromised its reputation. It had not overcome political perceptions

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left over from the period of the cold war, the existence of double standards and selectivity, and the use of self-serving political arrangements instead of facts and international principles.

The themes of some statements and reports of the Subcommission went against the objective of protecting and promoting human rights, he continued. All that had seriously and gravely polluted the atmosphere necessary for international cooperation; it had made it difficult for the Subcommission to properly study human rights issues. In addition, some resolutions that had been approved by the Subcommission had exceeded its mandate. Moreover, under the pretext of protecting and promoting human rights, a few non-governmental organizations had engaged in slander, repeating groundless changes based on conjecture and hearsay, totally unrelated to the items under consideration.

S.A. LAPRE, of the International Educational Development, said that the report of the Working Group on Contemporary Forms of Slavery that had been submitted to the Subcommission indicated that considerable attention had been paid to the situation of women from a number of countries abducted by Japan and forced to be sex slaves for soldiers of the Japanese Imperial forces. On that issue, the Working Group had recommended that the Subcommission request the submission of information regarding the situation of women forced to engage in prostitution during wartime to the Special Rapporteur on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms.

The Working Group on Slavery had become one of the most important human rights bodies today, he said, raising not only the pressing problem of compensation for wartime sex slaves but others enslaved by Japan during the Second World War. The gross violations of the rights of prisoners of war had also received the Working Group's and the Subcommission's attention. Those two issues alone mandated increased resources for the Working Group, and his organization strongly urged the Commission to address the problem of a full-time professional staff member to assist the Working Group. Clearly the Commission and the Subcommission should address the problem of the large numbers of persons falling under the mandate of the Working Group on Slavery who had yet to receive compensation, he said. He proposed that the Working Group appoint the Special Rapporteur, Theodoor van Boven, to specifically address those pressing issues of compensation and to present his recommendations to the Working Group and the Subcommission.

LI SANGSHIL, of Liberation, said that he supported the draft decisions proposed by the Subcommission for action by the Commission. Japanese Government representatives had told the Commission that the Japanese Prime Minister had apologized to the Republic of Korea in January 1992 for the enslavement of Korean women during wartime. Japan had also promised to investigate the issue. In July 1992, the Japanese Government published a report of its investigation on sexual slavery which had implied that the Korean victims volunteered to be sexual slaves for money. However, the findings of the Fact-finding Group on Forced Displacement of Koreans was just the opposite. According to the findings of the Fact-finding Group, there were some 6 million Korean men and women victims, including children, who had been

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forcibly displaced by Japan and used as forced labour. The official records of the Japanese Diet also substantiated that.

Liberation regretted that the Japanese Government was still denying legal responsibility for the forced displacement of Koreans, including the practice of sexual slavery. The non-governmental organizations called on the Commission to research the issue and urge the Japanese Government to disclose all the official documents and to investigate the facts fully. Research should also be carried out into the legal aspects of the case, including the forging of the relevant treaties between Japan and Korea. Japan should not be invited to become a permanent member of the United Nations Security Council.

DAVID LITTMAN, of the International Fellowship of Reconciliation, said that a firm declaration by the Subcommission on the Salman Rushdie affair would bring hope to millions of Muslims who did not accept that "scandalous usurpation" of their spiritual values, yet dared not speak out publicly for fear of being branded as heretics. The status quo was a direct consequence of the non-involvement of United Nations bodies in that matter. Iran's position was that the Special Rapporteur's intervention in the case of Salman Rushdie's criminal offence against Islam and the world Muslim community was outside his mandate and, thus, unwarranted.

Some members of the Human Rights Committee had even been threatened with assassination, as was anyone who dared support Salman Rushdie, he said. What more was needed for the Subcommission and the Commission to strongly condemn Iran on that issue, he asked. His organization looked to both the Commission and the Subcommission to support freedom of opinion and expression and condemn the "infamous and outrageous" endorsement of transnational terrorism of intellectuals. It would be a great tragedy if once again silence prevailed. He called for a resolute and resounding declaration from the Commission that the freedom of opinion and expression would not be allowed to die, but could continue to grow and prosper throughout the world.

HEISOO SHIN, of the Commission of the Churches on International Affairs, said the question of "comfort women" concerned a vast number of girls and women who were forcibly taken and coerced to serve the Japanese Imperial Army as their sex slaves before and during the Second World War. In that process, girls as young as 12 years old, were beaten, tortured, gang-raped and massacred by the Japanese military. His Commission strongly supported all the demands made by the Korean Council for the Women Drafted for Sexual Slavery by Japan, as well as the demands of women's organizations working on the issue in other victimized Asian countries. Those organizations primary demand was that the Japanese Government carry out a thorough investigation of such incidents, acknowledge the coercion involved, and accept the legal responsibility for those crimes. Japan, however, had so far, not accepted any of those demands.

The Japanese Government published its first preliminary report on the issue in July 1992, he said. The report completely by-passed the testimony of the surviving victims and of the Japanese soldiers who had publicly testified to their own criminal acts. The Japanese Government was denying the coercion involved in the drafting of the "comfort women". That raised serious

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questions concerning the moral ability of Japan to play a positive role in intergovernmental fora. Japan must first solve the grave issues surrounding sexual slavery and other violations of human rights committed during the Second World War.

KONRAD SIOUI, of the Four Directions Council, said that Canada continued to brag about the money and effort it put into indigenous affairs. The situation on the ground, however, was not all that good. The Inuit Nation in Quebec and Labrador was dying from hunger, suicide and disease. They had been abandoned by the Canadian Government. Six children had recently tried to commit suicide due to the hopeless situation they found themselves in.

The Inuit people had no recognition from Canada, he said, they needed a permit for everything. The building of hydroelectric dams had caused the loss of their hunting grounds. They badly needed relief from poverty and official neglect. Canada should cease its boasting over what it had done for the indigenous peoples. Canada's actions also adversely affected the rights of the Mohawk nation. Indigenous peoples all over the world needed a declaration on the protection of their rights. Even if it was not quite perfect, it would be supported by the indigenous peoples.

PEDRO OYARCE (Chile) said the thematic studies which were undertaken by the Subcommission's experts were indispensable for the evolution of international human rights law. Those studies called for the independence and impartiality of experts. It would be useful to prepare a study on the independence of the experts of the Subcommission. He said that the Commission should pay special attention to two items which were examined by the Subcommission. Those were the question of international peace and security as a prerequisite for the enjoyment of human rights, and the question of minorities. A third theme, namely, the work of the Working Group on Indigenous Peoples, was also very important. The proposal that the questions relating to indigenous peoples be included on the agenda of all the organs of the United Nations deserved support. The role of the Centre for Human Rights in indigenous affairs should be strengthened. The International Year for the World's Indigenous Peoples should be the starting point for new programmes in that field.

THLAU GOO YAILTH THLEE, of the Pax Christi, said that before there was a Europe, before there was a Roman Empire, his Thlingit peoples were living in harmony with the environment in the coastal region of south-east Alaska. The average life expectancy for Alaskan natives was currently 33 years, the lowest of any ethnic group in the United States. He called for access to traditional foods and resources to improve the people's health. Access to traditional Thlingit ways of making a living, cultural activities and training would help reverse the suicide rate among native Alaskan youth aged twenty to twenty-four. The suicide rate was 26 times the American national average. The United Nations should call upon the United States Government to honour the Covenant on Civil and Political Rights, which supported the indigenous peoples right to trade and make a living in their customary and traditional ways. The

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United States Government should also adopt and endorse a policy which allowed only tribal and indigenous peoples to decide who constituted their membership, as administered by the Indigenous Traditional Council of Elders.

Tribal law should also be recognized, he said. His region of Alaska, with its fragile environment, was under tremendous pressure from corporate interests and their desire for maximum development. If those assaults went unchecked it would take untold centuries to restore the balance in nature. He invited the Commission to attend a regional conference that would openly address those issues. Local residents would be there to testify, he said. Pax Christi wished the international community to meet his people and witness the problems confronting them. The Subcommission should examine those problems and assess the suggestions made.

SHARON VENN, of the International Work Group for Indigenous Affairs, said that very limited resources had been allocated for Subcommission's study on treaties. She urged support for the timely completion of the study. Last fall, the Governments of Canada, Saskatchewan and the Federation of Saskatchewan Indians had signed an agreement on treaty land entitlement. Neither of the parties to the agreement were in fact, parties to the treaty. The Government of Saskatchewan did not exist at the time the treaty was signed. The Federation of Saskatchewan Indians was an organization which came into existence only recently. That was a classic case of how indigenous treaties were being changed to suit Governments. She urged the Special Rapporteur on Treaties to review the Lubicon Cree case for his study.

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HUMAN RIGHTS COMMISSION HEARS ADDRESSES BY SENIOR OFFICIALS OF IRAN AND FINLAND

Debates Minority Rights and Religious Intolerance

GENEVA, 18 February (UN Information Service) -- Religion was the source of human rights and human rights could only be realized when derived from divinity, Seyed Ataollah Mohajerani, Legal Deputy to the President of Iran, told the Commission on Human Rights this afternoon.

Religious revivalism in the Islamic world was one that deserved understanding and tolerance, he said. The World Conference on Human Rights would be an occasion to start a dialogue between different cultures, beliefs and traditions on matters relating to human rights. Such a dialogue on religion was essential to establish a climate of respect and understanding, and to pave the way for universal human rights.

The Commission is discussing the issue of religious discrimination and the protection of the rights of minorities. It also heard a report by the Special Rapporteur on the implementation of the Declaration on the Elimination of All Forms of Religious Intolerance.

In another address this afternoon, Paavo Väyrynen, Minister for Foreign Affairs of Finland, told the Commission that in today's world, it was untenable to maintain that the human rights situation in a country was a purely internal matter. Sovereignty of a State was not a justification for opposing the consideration of human rights situations in any country. Every country had an obligation to improve its human rights performance. It must practise in deeds what it stated in words.

Taking part in the debate on the rights of minorities were the representatives of the Netherlands and Venezuela. Also speaking in the debate were the representatives of the following non-governmental organizations: International League for the Rights and Liberation of Peoples; Latin American Federation of Associations of Relatives of Disappeared Detainees;

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For information media—not an official record

International Federation for the Protection of Rights of Ethnic, Religious, Linguistic and other Minorities; Indian Treaty Council; International Abolitionist Federation; and Minority Rights Group.

The representatives of Japan, the Republic of Korea, Cuba and Sudan exercised their right of reply.

Participating in the debate on the elimination of religious intolerance were the representatives of the United States, China, India, Austria, Iraq, Ireland and Myanmar. The observer for the Holy See also spoke.

Statements were also made by representatives of the International Federation of Human Rights; the Christian Democratic International; the International Progress Organization; the International Association for the Defence of Religious Liberty; the Pax Christi International; the International Organization for the Development of Freedom of Education; the World Jewish Congress; and the International Immigrants Foundation.

Address by Iran

SEYED ATAOLLAH MOHAJERANI, Deputy to the President of Iran for Legal and Parliamentary Affairs, said that the attention paid to freedom and human rights was one of the greatest achievements of modern history. However, despite all that attention, religious thought was being ignored or undermined in the West. An opposite trend was evident in the Orient, particularly among Muslims. There, the emphasis of religion linked man to freedom and human rights. The reality of freedom and human rights could be interpreted in a religious context. Religion was the source of human rights, which might only be realized when derived from divinity.

The epoch of religious reawakening had begun, he said. In the Islamic world, particularly, the tendency towards religious revival was growing rapidly. It had become a priority in the political agenda of the so-called new international order. Unfortunately, that revival was viewed as a force that should be reckoned with, rather than one that deserved understanding and tolerance. The matter also had severe implications in the realm of human rights. In many parts of the world, the rights of those who were advocates of religious revivalism were grossly and systematically violated without any attention paid by the international community. It seemed one immediately lost all rights when one was branded a "fundamentalist".

The most vivid example of that was to be witnessed today in occupied Palestine, he said. Atrocities that had continued against Palestinian people for decades had now taken a new direction and dimension. The new targets were Palestinians with strong religious beliefs. The 400 Palestinians stranded in a no-man's land were symbolic of new Israeli policies. If the situation was not reversed immediately through the efforts of the international community, many more victims would follow. In Bosnia and Herzegovina, too, Muslims were under attack by Serb aggressors who had systematically pursued the policy of "ethnic cleansing". Massacre, rape and torture had been going on for some time, and the international community had not been able to bring the tragedy

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to an end. Perhaps religious revivalism was the underlying reason for the international community's to use all means possible to protect the rights of Bosnian Muslims.

The World Conference on Human Rights was an occasion to start a process that would lead to better understanding of human rights issues among people of different cultures, who held different beliefs and came from varying political, economic and social backgrounds. A dialogue on religion was essential to create a climate of respect and understanding to pave the way for universal human rights, he continued. If that did not take place, episodes such as the one involving Salman Rushdie would be repeated. Religious people could never understand that freedom of speech allowed insults against their most sacred beliefs.

Mr. Mohajerani called for a dialogue among peoples of different cultures, traditions and religions aimed at reversing the path of confrontation and gradually restoring confidence. There should be a recognition of the direct link between human rights and development. The protection and enhancement of human rights should be examined while curtailing activities that severely impair the social order and offend public morality. Discrimination against women should also be fought. Priority should also be given to the right to self-determination and the struggle against all forms of racism, particularly in light of the recent surge of racist tendencies in the West and the need to reverse "ethnic cleansing".

Address by Foreign Affairs Minister of Finland

PAAVO VAYRYNEN, Minister for Foreign Affairs of Finland, said that standard-setting in the human rights field was, in itself, not sufficient. Human rights instruments, if not implemented, had only academic significance; if implemented, they rectified and helped to prevent abuses of human rights. The responsibility for implementation and prevention lay mainly with nations. Human rights obligations were not always easy to comply with since a country's cultural background and level of development could have an effect on the implementation of human rights obligations. Mass violations of the right to life -- including such atrocities as "ethnic cleansing", the rape of women in Bosnia and Herzegovina, and the looting of humanitarian aid in Somalia -- had rightly been drawn to the attention of the Security Council. Appropriate measures to respond to mass violations needed to be devised by the international community. Nowhere was that more obvious than in the context of securing humanitarian aid for victims of man-made disasters, such as in Bosnia and Herzegovina and Somalia.

In today's world, it was untenable to maintain that the human rights situation in a country was purely an internal matter, he said. Respect for the sovereignty and integrity of States needed to be upheld. Yet, Finland saw no justification for opposing the consideration of the human rights situation in any country. Each country, including Finland, could improve its human rights performance. Every Government had to practise in deeds what it stated in words. Double standards could not be accepted.

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The Conference on Security and Cooperation in Europe (CSCE) had advanced its early-warning capabilities by creating an office of a CSCE High Commissioner for Minorities at the Helsinki Summit last summer, he went on to say. That development might stimulate consideration of an office of a special United Nations high commissioner for minorities.

He joined those who had already expressed serious concern at the insufficient capacity of the Human Rights Centre to fulfil its growing responsibilities. More resources should be allocated for human rights purposes within the United Nations system. The World Conference on Human Rights should focus on achieving specific goals by devoting attention to the protection and promotion of human rights, and the development of future strategies for improving adherence to human rights norms.

Discussion on Minority Rights

F. ANDREU, of the International League for the Rights and Liberation of Peoples, said States declaring or lifting states of emergency were not the only concern in emergency situations. Recently, countries had permanently invoked laws and decrees first imposed under states of emergency. For example, Colombia had recently adopted 40 resolutions first undertaken during a state of emergency. Among those decisions was the suspension of the writ of habeus corpus. Human rights suffered under such measures, and still others ensured impunity for those who had abused human rights. Also, great power had been given to the Colombian Government to investigate the funding and operation of non-governmental human rights organizations. That situation must not be allowed to continue.

MAGDA GONZALEZ, of the Latin American Federation of Associations of Relatives of Disappeared Detainees (FEDEFAM), said that the reality of Latin American countries showed that impunity still flourished. In Bolivia, a candidate for President was a member of the security forces who was responsible for murder and disappearances. Similar stories were found in Colombia. The question of rehabilitation and compensation for victims of human rights violations was also important and should be studied further. Moreover, as late as January, 425 political prisoners were being held in Colombia. They were subject to particularly severe violations of their human rights. The new Constitution of Colombia could put an end to 40 years of abuse by the executive authorities carried out under emergency laws. The international community should pay greater attention to the general and systematic violations of human rights in that country.

MIKE FORSTER, of the International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities, said treaties had often been used as weapons of colonial domination. Hawaii had formal treaties as a sovereign nation with the United States and many European States, prior to its illegal invasion by America and subsequent unconstitutional inclusion in the United States. Treaties were also still being made and violated in Bougainville by the Government of Papua New Guinea. Thousands of such treaties throughout the world were worthy of the attention of the Special Rapporteur; many of them were the root cause of the

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problems that existed today. Treaties that resulted in present-day genocide should be urgently and immediately investigated. That was the case with Bougainville Island -- there was no reason why Papua New Guinea should be exempted from a human rights fact-finding mission.

Ms. SCHREIBER, of the International Abolitionists' Federation, said the human rights violations of women and children, including sexual assault and mutilation, deserved continued serious consideration by the Subcommission and the Commission. Such examination could take place under the aegis of the Working Group on Contemporary Forms of Slavery. The sale of children into prostitution and the use of children in pornography deserved swift action and specific, practical remedies. The Federation stressed the role and responsibility of the client in such forms of slavery. A rigorous strategy was needed to combat adult prostitution, which could in many ways be similar to that adopted to combat child prostitution. Her organization called for a special rapporteur to study and submit a report on all forms of exploitation, and for a staff member within the Centre for Human Rights, to deal specifically with the subject.

MARIA IBARRA, of the International Indian Treaty Council, said the Subcommission had been a forum through which the Treaty Council had been able to make itself heard. Its study on the environment was useful, as pollution caused by the Exxon Valdez accident and by the Bhopal disaster in India had illustrated. A meeting on domestic autonomy and the conferences on the environment and indigenous peoples were useful to groups representing indigenous peoples. A draft declaration on the rights of indigenous peoples was of the highest priority. It was also important to see specific reference to regional training courses for indigenous peoples on United Nations human rights instruments. The United Nations should tell the United States Government to stop the relocation of the Hopi and Navaho people. The allocation of land and other measures taken by the United States were counter to traditional practice.

CEES FLINTERMAN (Netherlands) said the Subcommission on Prevention of Discrimination and Protection of Minorities still had to address such difficult questions as the reform and rationalization of its agenda, its role in country-specific situations of human rights violations, the role of alternate members of the Subcommission, and the question of increasing the independence of its members. The Commission could contribute to that last question only by electing members to the Subcommission who fulfilled the two criteria it had set: "high moral standing and acknowledged impartiality".

On another issue, he said his Government intended to take the rights of indigenous people seriously in its policies on development cooperation.

M.E. RUESTA (Venezuela) said there was a positive trend in coordinating actions between the Commission and the Subcommission. However, despite the work done, coordination between the Subcommission and the Commission as well as with other United Nations agencies, was still a problem. The Subcommission, regrettably, had not reached agreement on restructuring, although it had adopted new principles on improved working methods. The

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number of studies of the Subcommission should also be reduced to 13, from the present 20 that were under way. New studies should be undertaken only as current studies were completed, and no study should begin without careful prior analysis.

T. BROCH, of the Minority Rights Group, said "Northern Minorities" was the official description of 26 small tribal groups who lived in the vast region that stretched across Northern Russia, from the Bering Straits in the east to the borders of Norway and Finland in the west. In 1926, rapid industrialization had been forced upon the region. All real power had leaked away from the local administration; State-owned companies or Government Ministries had become the dominant power, taking over native land and resources. Once forested areas had been reduced to barren desert. In the schools, native language teaching was cut back and replaced by Russian, and native children were placed in boarding schools from an early age, where they lost their language, culture and traditional skills. Nomadic peoples were forced to settle down. Today they faced new challenges -- to regain their traditional lands, to repair past damage, to cope with a free-market economy and to achieve respect for human rights in the new Russian State. The indigenous peoples' voices had been stifled for too long; it was time for their message to be heard in the international community. As many different groups of indigenous peoples as possible should participate in the drafting of the Declaration.

Introduction of Report on Religious Discrimination

ANGELO VIDAL D'ALMEIDA RIBEIRO, Special Rapporteur on the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, introduced his report on the subject. He said the optimism felt last year at the situation in Eastern Europe and in the territory of the former Soviet Union had been sadly shattered by religious intolerance. Similar situations had arisen in other parts of the world. His job was not to point a finger or make value judgements, but to develop a better understanding of attacks on religious freedom. He had adopted the practice of voicing the allegations he received from various sources and also reflecting the replies received from the countries concerned.

It was no longer possible for countries to ignore the Declaration, he said. Still, intolerance persisted -- sometimes caused by Governments and sometimes by fanatics. In the former Yugoslavia, the religious argument was used as a pretext to feed dissent between populations. But in India and Pakistan, the recent conflicts between Hindus and Muslims were a good example of the actions of fanatics. Iran had continued the fatwah and increased the reward for the murder of Salman Rushdie. Pakistan had a death penalty for statements deemed insulting to the Prophet. Those edicts were unacceptable. The world could not regress to previous gloomy periods when intolerance and repression were the order of the day.

It was necessary to respect all ideologies and beliefs, and to allow freedom of thought to flourish, he said. Finally, he told the Commission that

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he would be returning due to ill health and it was time for the Commission to find his successor.

Statements Made

RICHARD SCHIFTER (United States) said respect for religious freedom had substantially expanded in recent years. Still, in Iran there was the continued victimization of members of the Baha'i faith, whom the Government refused to legally recognize. The State prohibited the Baha'is from conducting religious activities, electing leaders, performing marriages, teaching their faith, or participating in social welfare organizations. In the case of Sudan, Pope John Paul II had recently called vivid attention to the persecution of Christians there. Furthermore, under a programme of repressing traditional religions, Cuban State security agents had outraged Catholic bishops by making arrests during church services.

In China, believers were imprisoned, tortured and discriminated against because they worshipped in underground churches, possessed Bibles and other religious literature or held religious classes, he went on to say. There were also spontaneous outbursts of violence between religious groups, based not on Government policy, but on fanaticism. Fanaticism might be a particularly important issue for the Special Rapporteur to study.

ZHANG YISHAN (China) stated that China was a country with many religions, and the respect and protection of religious freedom was a basic policy of the Government. In order to fully guarantee citizens' religious freedom, the Government had established regulations and departments of religious affairs at various levels. All religions were treated equally. For instance, the policy to respect and protect the freedom of religious belief had been implemented in the Tibet Autonomous Region. However, the Constitution explicitly provided that no one could make use of religion to engage in activities aimed at splitting the country, disrupting public order, impairing the health of other citizens or interfering with the State's educational system. Those who engaged in criminal activities in the name of religion should be punished according to law. In recent years, there had indeed been some religious believers subjected to criminal punishment because their activities had violated criminal law. However, no one had been arrested or sentenced purely on the basis of religious belief.

SATISH CHANDRA (India) said India had a secular Constitution that ensured equality for all, irrespective of religion, and allowed freedom of religion to all. Diverse faiths, interacting together, had created the wonderful mosaic that was India. There was no State religion -- tolerance was the overall aim. Laws protecting religious freedom were enforceable, and special courts had been set up in several Indian states to deal quickly with cases of religious violence or discrimination. Still, religious violence occurred occasionally. The demolition of the Babri mosque by an unruly mob had been a regrettable and extremely complex matter; the Government had tried very hard to protect the mosque. The Government's response afterward had been swift: an inquiry and an investigation were under way, and both a new mosque and a temple would be constructed.

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FELIX ERMACORA (Austria) stated that religious conflicts still existed throughout the world. Intolerance created conflict when religion and politics mixed. The Subcommission should analyse the Special Rapporteur's study. He proposed that advisory services programmes be added to the Special Rapporteur's mandate.

PAUL F. TABET, observer for the Holy See, said vigorous respect for religion on the part of many countries was a very positive sign. Rights of religion resided not in Governments but in the inherent dignity of the human being. The rigour with which religion was respected, served as an indicator of the general state of human rights in any country. Government restrictions on religion, and the practice of State religions, still existed and discrimination resulted. Religious minorities were still oppressed, he continued, as religion sometimes served as an excuse for the practice of violence and injustice in certain countries. Respect for others was central. States such as the Sudan had the duty to respect and protect the religious differences among their citizens.

BASIL YOUSIF, observer for Iraq, said that Iraq was the cradle of civilization. It was made up of communities belonging to different religions and had made every effort to overcome religious discrimination. Iraq had continuously cooperated with the Special Rapporteur and had provided him with all the information he had requested. While religion had been used as a weapon during the war, Islam was essentially a religion based on the acceptance of religious diversity. The basis of conflicts which seemed to be religious had to be diagnosed. They were usually political conflicts, which undermined international peace and stability. "Ethnic cleansing" was going to be a threat in many regions of the world. The implementation of the Declaration on the Elimination of All Forms of Religious Intolerance should be carried out in conformity with other international rules, particularly that of maintaining friendly relations among States.

JOHN SWIFT, observer for Ireland, said the report of the Commission's Special Rapporteur on Religious Intolerance made grim reading. Reports of persecution of Christians and animist believers throughout Sudan, prompted the gravest concern. One of the defects in the current mode of reporting was the relative absence of country-specific conclusions. Ireland urged the Special Rapporteur, in future reports, to comment more directly on those situations which clearly represented massive ongoing violations sanctioned by Governmental authority and to distinguish them from incidents which might have taken place contrary to Government policy, or which might have been of a more isolated or transitory nature.

He did not accept that there was any inconsistency between highlighting gross and systematic violations and recognizing that ultimately human rights work was about the suffering of the individual human being. The Special Rapporteur's comments on the situation of the British author, Salman Rushdie, were particularly relevant in that context. Ireland was pleased to inform the Commission that it intended to more than double its contributions to various United Nation voluntary funds for human rights this year.

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MYA THAN, observer for Myanmar, stated that there was neither discrimination nor persecution against people residing in Myanmar based on religion. The major religions -- Buddhism, Islam, Christianity and Hinduism -- lived side by side, flourishing in complete harmony. Myanmar's culture went back thousands of years and ensured great respect for other religious faiths. In view of the fact that a large majority of Myanmar nationals were Buddhists, the Government had taken great care to adopt measures which would prevent accusations of discrimination against other religious faiths in Myanmar. For that reason, a separate Ministry for Religious Affairs, headed by a cabinet-rank Minister, had been established in March 1992. The Ministry's role was to facilitate the propagation of various religious faiths in Myanmar, including Islam. People of the Islamic faith had never been subjected to persecution, torture or discrimination. The Special Rapporteur, in his report, had made an observation and drawn attention to alleged cases concerning the freedom of religion. As there was complete religious tolerance, Myanmar rejected those allegations. However, if complete and sufficient evidence existed, the authorities were prepared to look into the matter, in accordance with national laws.

VO VAN AI, of the International Federation of Human Rights, said that there had been serious and repeated violations of religious freedom in Viet Nam. There was increased repression of the Unified Buddhist Church, which took the form of interrogations, investigation of activities and harassment by security agents. His organization had received top secret documents which described the methods of repression, which included introducing political agents among worshippers, creating divisions in the Buddhist Church, threatening and discrediting Church members, and bodily harm. Those acts were not only contrary to international law, but were also prohibited by Viet Nam's Penal Code. He called for tolerance and openness in practice.

C. SLESZYNSKA, of the Christian Democratic International, said atheism had declined in Eastern Europe, but three nations continued to distinguish themselves by their religious intolerance: Serbia, Turkey and Greece. The "ethnic cleansing" in Bosnia certainly had religious overtones. Christian minorities had to be protected in Turkey. In Greece, conscientious objectors were often sentenced to four years of military prison and later experienced problems in finding employment. On the African continent, Christians were being attacked in the Sudan and Egypt. In India, Muslims had been massacred by Hindu fundamentalists. In China, Marxist doctrine froze out religious freedom. Problems also continued in Latin America.

O. CRAMER, of the International Progress Organization, said that on 8 November 1991, the Special Rapporteur monitoring violations of religious intolerance had formally transmitted to the United States Government, allegations of major human rights violations against Lyndon LaRouche and his associates. That Government's reply to the Special Rapporteur contained numerous misrepresentations of fact as well as distortions and obfuscations. The Government's reply was incorrect when it stated that the conviction resulted from fraudulent fund-raising activities conducted by Mr. LaRouche and his supporters to finance his presidential campaigns. At the trial, the Government had presented perjured testimony from one witness. The Government

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argued that LaRouche and his associates had ample opportunity to defend their rights up to the level of the Supreme Court. Mr. Cramer's organization had repeatedly expressed its deep concern, shared by many in the field of international law, over the general collapse of judicial standards in the United States.

R.L. SZTEJNBERG, of the Pax Christi International, said that for decades, specialists had been trying to explain human rights violations through historical factors. Behind most phenomena of intolerance one found dogma which bred hatred or misunderstanding between religious communities. All religions set very noble goals and in each religion were teachings capable of enriching the universal conscience. He announced that a meeting would take place in Geneva in November this year, devoted to preventing the violation of human rights and children's rights. He said that the Centre for Human Rights and the Special Rapporteur had associated themselves with the meeting.

ALFRED FERNANDEZ, of the International Organization for the Development of Freedom of Education, said many countries had not responded to the Special Rapporteur's questionnaire, especially the section concerned with freedom of education. Progress would not be made in eliminating religious intolerance until freedom of education was valued as highly as any other human right. No one subscribed to any religion or formed a conviction alone -- there was always a teacher. The Declaration gave parents the right to organize religious life within the family. That was sometimes seen as conflicting with State educational policies, but parents alone could best represent the rights of minors.

G. ROSSI, of the International Association for the Defence of Religious Liberty, said the rape of thousands of Muslim women and other atrocities committed in Bosnia, had to be stopped. Intolerant people refused to recognize that everyone was a member of the great human family. In each country ideological pluralism should be recognized and protected by law. In the Sudan, enforcement of the State religion was resulting in a form of terrorism against non-Arabs and non-Muslims. Even food was used as a weapon. In Iran, the Baha'i were still treated as infidels. In Saudi Arabia, all religions but Islam were forbidden. That prohibition applied to immigrant workers, including Christians. Yet, despite the behaviour of some Muslims, Islam was a tolerant religion.

ANDREE FARHI, of the World Jewish Congress, said that it was valid to question whether there had been any progress since the excesses of medieval fanaticism and intolerance. The incidents described in the Special Rapporteur's report and the failure of any substantive progress in some of the graver situations gave rise to fundamental questions about how to counter the trend towards mass persecution. The Special Rapporteur had once again pointed to the need to draft a binding international instrument on the elimination of intolerance and discrimination based on religion or belief, and that process should begin. She referred to two situations concerning rising anti-Semitism. Over the past year, some 56 newspapers and journals in the Russian Federation had preached hatred in the form of pogromist calls against the Jewish population. There was a clear absence of adequate legislation to

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deal with inciting hatred and violence on grounds of religion or belief. Anti-Semitic literature had also been growing at an alarming rate in Romania. However, she welcomed the apparent improvement in the condition of the Jewish community in Syria.

G. ELGARRESTA, of the International Immigrants Foundation, said religious intolerance continued to affect the citizens of various countries. In China, the persecution of Buddhist monks and Christians was still taking place. In Iraq, religious intolerance continued unabated under the pretext that churches and religious schools were centres of "subversive activities". In Cuba, the Catholic Church had disappeared for lack of clergy. Cuban officials had not given a single satisfactory reply to the Special Rapporteur's questions on reported religious intolerance. Education and life there was forcibly Marxist and atheist. Anyone who did not support the régime's attitude was labeled "anti-social".

Statements in Right of Reply

CHIZOKO TERANISHI (Japan), speaking in exercise of the right of reply, said his Government had expressed its sincere apologies and remorse to all those, irrespective of nationality or origin, who had endured indescribable pain and suffering as so-called "comfort women". The Government had sincerely dealt with the claims issue, including the question of compensation, in accordance with multilateral and bilateral peace treaties as well as other relevant treaties with concerned countries. Japan was now seriously considering how it might best convey its feelings of compassion to those who had suffered so long.

MOON BONG JOO (Republic of Korea), also speaking on the issue of the "comfort women", recalled that his Government had urged Japan to thoroughly investigate all aspects of that inhuman and tragic incident, including the role of the Imperial Japanese Government, and to take proper remedial measures. Unfortunately, the official investigation had fallen far short of the truth and also offended the good conscience of humanity. Unless Japan confronted the truth of its involvement, it would never be able to come to grips with its own past, and a genuine friendly relationship between Japan and other countries in the region could not be achieved. It was the responsibility of the Japanese Government to conduct a full and prompt investigation, and to take appropriate follow-up measures for the victims whose sufferings remained unmitigated almost 50 years after the end of the Second World War.

J. SILVERA NUNEZ (Cuba) said the representative of the United States showed continued ignorance of Cuba's situation. That had led previous United States Administrations to adopt a hostile attitude towards Cuba. Their error was in thinking that Cubans would renounce admiration of their leaders. Today, all religious sects enjoyed full freedom to practise their beliefs. The representatives of some non-governmental organizations did not want to acknowledge the existence of churches in Cuba.

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ISAM ABUJEDERI (Sudan) said statements by the United States, Ireland, and various non-governmental organizations were without foundation as they referred to religious tolerance in the Sudan. The accusation that the Sudan was using food to pressure people to convert to Islam was untrue. The Sudanese people were tolerant of all beliefs. Southern Sudan was exempted from the application of Islamic laws precisely because of its religious diversity, and refugees fleeing the civil war and coming north were treated with religious tolerance. The Sudan had invited the Pope to come to the country; he had seen no religious intolerance there.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/426
24 February 1993

HUMAN RIGHTS COMMISSION BEGINS CONSIDERATION OF RIGHTS OF DETAINED AND IMPRISONED PERSONS

Completes Discussion of Elimination of Religious Discrimination

GENEVA, 19 February (UN Information Service) -- Non-governmental organizations decried religious discrimination in statements before the Commission on Human Rights this morning, charging mistreatment of Tibetan Buddhists and indigenous peoples in Canada, the United States, the Sudan and other countries, as the Commission concluded its discussion of the subject. Among their complaints were the disregard by Canadian authorities of marriage and child-naming ceremonies of the country's indigenous peoples, and the banning by two American states of the use of peyote, which played a major role in certain indigenous religious ceremonies.

The Commission also began its consideration of the rights of detained and imprisoned persons. The representative of Austria called for a serious international effort to eradicate the systematic practice of torture, disappearances, summary executions and arbitrary detention and the introduction of a universal system of preventive visits to all places of detention.

Speaking on religious discrimination and intolerance were the International Association of Educators for World Peace, the International Federation for the Protection of the Rights of Ethnic, Religious, and Other Minorities, the Indigenous World Association, the International Indian Treaty Council, the Baha'i International Community and the International Fellowship of Reconciliation.

The representatives of Greece and Algeria spoke in exercise of the right of reply.

Statements on the rights of detainees and prisoners, were also made by the representative of Chile and the observer for Senegal. Non-governmental organizations speaking on the matter were the Four Directions Council, the

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For information media—not an official record

International League for the Rights and Liberation of Peoples and the International Council of Jewish Women (speaking on behalf of 27 non-governmental organizations).

Rights of Detainees and Prisoners

On the rights of detainees and prisoners, the Commission had before it the report of the Special Rapporteur on Torture, Peter Kooijmans (document E/CN.4/1993/26). The report states that 44 letters about 700 cases of alleged torture had been transmitted to 43 Governments last year. Seventy-nine urgent appeals had also been sent to 31 Governments dealing with approximately 300 individuals who had been fearing torture. The Special Rapporteur had approached a total of 55 Governments asking for their comments and had received replies from only 27 of them. Also, many of the replies did not refer to all the cases mentioned by the Special Rapporteur.

The Special Rapporteur had not received an invitation to visit a country this year, although he had approached some Governments when the situation in the country concerned appeared to make such a visit advisable. Too many Governments still saw issuing invitations as an admission that torture was wilfully condoned in their country. The Special Rapporteur indicated that he would be performing his function in a half-hearted way if he confined himself to transmitting allegations to Governments without offering advice on how torture could be effectively fought. The report concluded that torture was the very denial by the torturer of his victim's inherent dignity. What made it particularly repulsive was that very often the long-term effects of torture were not so much physical as psychological.

The report also dealt with rape which it described as a "despicable example of the assault on human dignity". It said that in Bosnia and Herzegovina rape was deliberately practised as another method of expressing contempt and hatred for the ethnic group which the unfortunate victims were made to symbolize. Equally ignominious was the torture of children. The Special Rapporteur was appalled by a number of communications containing allegations of torture practised against children at a time when the international community had proclaimed that children were entitled to special protection.

Laxity of the executive authorities and of the judiciary in many cases was responsible for the continuation of the practice of torture around the world, the report said. The judiciary in each country should enforce the law and do justice, which it had sworn to do, and bring national laws closer to international standards. It was within their competence to order the release of detainees held under conditions which were in flagrant violation of the rules and to refuse to use evidence that was not obtained freely. It was also within their power to make torture unrewarding and therefore not so frequently used.

Also before the Commission was the second report of the Working Group on Arbitrary Detention (document E/CN.4/1993/24). The Working Group transmitted 34 communications containing newly reported cases of alleged arbitrary

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detention to the following Governments: Burundi, Cameroon, Costa Rica, Côte d'Ivoire, Cuba, China, Dominican Republic, Ethiopia, Haiti, Indonesia, Israel, Malawi, Morocco, Myanmar, Nigeria, Philippines, Republic of Korea, Syria, Tunisia, Turkey, United States, Viet Nam and Yugoslavia. Replies were received from the following Governments: China, Cuba, Indonesia, Myanmar, Tunisia, Viet Nam and Yugoslavia.

The report recommended that for the Working Group to carry out its task efficiently, information supplied to it must be timely and comprehensive, setting out all the factors important for a proper decision. It should cover both legislative aspects (constitutional and legal provisions, regulations and jurisprudence) and the acts alleged to warrant the detention of the person concerned. The authority which ordered a detention must be identified, along with the court -- if any -- trying the case. In addition, Governments should make serious efforts to bring their laws into line with the principles of international human rights instruments.

The Working Group also especially recommended strengthening the use of the writ of habeas corpus. A scrutiny of all such cases showed that in only one instance (Mexico) was a person released as a result of a court decision responding to a writ of habeas corpus.

According to the report, the Group also gained the clear impression that, in view of the increasing number of individual cases submitted to it and the adversarial nature of the procedure it had adopted to investigate them, it might no longer be in a position to fulfil its task. It would then be faced with the following choices: file away cases which deserved consideration, simply because it was unable to examine them; or obtain the allocation of appropriate human and material resources as soon as possible.

Also before the Commission is the report of the Working Group on Enforced or Involuntary Disappearances (document E/CN.4/1993/25). The Working Group continued to process a backlog of some 12,000 reports in 1992 which were submitted to it in 1991. It also received information on 10,000 new cases of disappearances in 36 countries. The number of countries in which disappearances had allegedly occurred had gone up from 47 in 1991, to 58 in 1992. A backlog of about 8,000 cases had not yet been processed and analysed prior to their transmission to the Governments concerned. An exceptional effort on the part of the staff servicing the Working Group had enabled a total of 8,651 cases to be processed in 1992. In addition, the number of cases being followed up by the Working Group now stood at 31,106.

The Working Group felt that the lack of resources and personnel allotted to it, in particular secretarial staff and equipment, which had not been increased during the last 12 years, posed a serious obstacle to the fulfilment of its mandate. In 1992, approximately 6,000 alleged cases of disappearance occurring in the former Yugoslavia were brought to the attention of the Working Group. Without any improvement in the resources available to the Working Group in 1993, it would be difficult for it to fulfil commitments. The report also offered information concerning enforced disappearances in 58 countries.

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The report concluded that enforced disappearances could be significantly reduced with an independent and efficient administration of justice. One of the things that could be done was to help relatives of missing persons draw the maximum benefit from the habeas corpus procedure, which was still, in relative terms, the most powerful legal remedy to help uncover the fate and whereabouts of a disappeared person. It was essential that legislation and practice provide for an expeditious and easily accessible habeas corpus. In its tentative consideration of the question of impunity, the Working Group had stated that the investigation of disappearances and the publication of the results of the investigation were perhaps the most important means of establishing accountability for the Government concerned.

The Group regretted that behaviour affecting the basic rights of the relatives of victims and of human rights organizations persisted. It said that Governments persisted in preventing witnesses from having access to representatives of United Nations human rights bodies during country visits. The Group had insisted since 1984 that an international instrument be drawn up on enforced or involuntary disappearances.

An addendum to the Working Group's report (document E/CN.4/1993/Add.1) detailed a visit to Sri Lanka by three members of the Group, from 5 to 15 October 1992. The Working Group concluded that the scale of human rights violations in that country was, on the whole, far less dramatic than last year. Nevertheless, disappearances persisted in Sri Lanka at a level that should be of serious concern to the Commission. Apparently, despite the Government's policy to eliminate the phenomenon altogether, it was difficult to prevent any further victims from disappearing. In order to put a halt to disappearances, it recommended that the Government should seriously consider undertaking a general overhaul of its emergency legislation relating to arrest and detention with a view to ensuring that it conformed to Sri Lanka's international obligations on the matter and was proportionate to the exigencies of the situation.

The Commission also had before it the first report of the Working Group on the draft optional protocol to the Convention against torture (document E/CN.4/1993/28). The Working Group held 16 meetings, from 19 to 30 October 1992. The main thrust of the interventions was to recognize, in principle, the importance of regular visits to places where persons were deprived of their liberty in order to strengthen the protection for those persons against torture and cruel, inhuman or degrading treatment or punishment.

A preventive mechanism providing for such protection would be of considerable value as an element of the universal protection of human rights, the report stated. Such a mechanism should be based on the principles of cooperation, confidentiality, independence, impartiality, universality and effectiveness. Visits would provide the basis for continuation of the Group's efforts to develop an effective mechanism acceptable on the widest possible basis.

Also under the item on the human rights of detainees was a report of the Secretary-General on human rights and forensic science (document

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E/CN.4/1993/20), and a report of the Secretary-General on the status of the Convention against torture (document E/CN.4/1993/21) which listed States that had signed, ratified or acceded to the Convention against torture. An updated report by the Secretary-General on the detention of international civil servants and their families (document E/CN.4/1993/22) and a note by the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (document E/CN.4/1993/23 and Add.1) were also before the Commission.

Statements on Religious Intolerance

NGAWANG CHOEPHEL, of the International Association of Educators for World Peace, said that there was consistent abuse of the religious freedom of the 6 million Tibetan people. It was true, as the Chinese Government had stated, that some monasteries had been rebuilt in recent years. But much of that reconstruction had happened despite Chinese Government opposition and by volunteer Tibetan labour. Religious education and study was very limited in the monasteries, forcing many young monks and nuns to escape to India for serious religious education. His Association was deeply concerned about the fate of hundreds of monks and nuns who had been detained during the last six years of renewed repression in Tibet. According to information, a number of monks and nuns detained last year, many of them mentioned in the Special Rapporteur's current report, had been given prison sentences ranging from one to nine years only for taking part in peaceful demonstrations. Torture and other forms of ill-treatment of detainees, particularly monks and nuns, was routine in Chinese prisons in Tibet.

ROELAND BOS, of the International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities, said that his organization had been monitoring human rights violations in Albania for the past 10 years, in particular the treatment of the Greek minority. It had frequently reported to the international community the oppression, repression, and systematic denial to the Greek minority of almost every aspect of human rights and dignity. It was important to stress that the international community increase its efforts on behalf of all minority groups in that region. Of particular concern were violations and atrocities against civilian minority populations in the Balkans and in Kurdish regions of Turkey and Iraq. The Greek minority in Albania was in urgent need of strong support from the international community. The Government of Albania needed to be reminded of its obligations in the strongest possible terms, he said.

KENNETH DEER, of the Indigenous World Association, said that only in recent years had North American Indians been able to exercise openly their freedom of religion. Even so, the Government of Canada had refused to recognize naming and marriage ceremonies -- a right taken for granted by every other religion in the country. From the moment of birth they were given a number which identified them as Indians under the Canadian Indian Act. Since the Government did not recognize their naming ceremonies, their children were not registered and therefore not considered to be Indians under Canadian law. They, therefore, had difficulty obtaining health services, education and, as they got older, were denied access to land. Canada's response was that the situation was under study. His Association had urged the Commission to take a

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close look at Canada's treatment of indigenous religions, appropriate in this Year for Indigenous People.

AURELIO DIAZ-TEKPANKALLI, of the International Indian Treaty Council, said he wanted to convey the concerns of the Condor and Aguila communities to the Commission. The Council represented 98 indigenous organizations. He called on the Commission to support and recognize the spiritual lifestyles of indigenous communities and their freedom to practise their traditions. It was essential that there be respect for indigenous leaders and ceremonies which made use of feathers, animal skins and other objects. Certain plants, such as peyote, were also used during those ceremonies. In 1990, the United States Supreme Court gave two states the freedom to prohibit and punish the use of peyote. That was not compatible with true religious freedom, he said.

MASCHID FATIO, of the Baha'í International Community, said that prejudice -- whether of race, religion, nationality or sex -- could not be legislated out of existence. In the view of his organization, the only sure means of eradicating it was through education. The Baha'í believed that education was the essential factor in securing implementation of the Declaration on the elimination of religious intolerance. Not only should the Declaration be disseminated as widely as possible, but it should be brought to the attention of educational bodies. The Baha'í firmly upheld the right of every man and woman to practise freely the religion or belief of his or her choice.

DAVID LITTMAN, of the International Fellowship of Reconciliation, said that the statements of the Sudanese Minister of Justice and the Deputy to the Iranian President had provided prime examples of what was commonly called "cultural relativism". The Special Rapporteur for Iran, in his annual reports, had described the actual situation in Iran, but the Iranian Minister had not responded to the grave charges of violations of fundamental human rights in his country, including discrimination based on religion or belief. The statement of the Sudanese Minister of Justice left one speechless, he said. The Minister had referred to his Government's respect for all religious beliefs without exception. In contrast to that rosy picture, he said the Pope, in a statement during his recent visit to the Sudan, had evoked crucifixions and had demanded that the Sudan cease religious persecution and end "the terrible harvest of suffering". Indeed, the situation of Jews throughout the Islamic world was becoming more and more precarious, he said. Forty years ago, about a million Jews lived in 10 Arab countries. Today, hardly 20,000 remained. They were the forgotten refugees.

M.C. DARATZIKIS (Greece), speaking in exercise of the right of reply, said the statement of the representative of Christian Democrat International had referred to human rights violations in Greece. In fact, freedom of religion in Greece was inviolable, subject only to the limitations of the fundamental freedoms of others. What was prohibited was proselytizing. Conscientious objectors, including those for religious principles, should soon be able to serve in "weaponless alternative service" in lieu of ordinary military service.

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Statements on Rights of Detainees

MANFRED NOWAK (Austria) stated that the personnel and financial resources available for United Nations human rights monitoring mechanisms were in no proportion to the enormous tasks and responsibilities placed upon those mechanisms nor to the expectations of the international community. The United Nations should take urgent measures to remedy that deplorable situation.

In addition, stronger action was needed to deal with States which continuously refused to cooperate, as well as those which neglected recommendations addressed to them, he said. United Nations credibility in the human rights field could be undermined if there were no major breakthroughs in effective compliance with recommendations of special rapporteurs and working groups. A universal system of preventive visits to all places of detention could be a major component of a plan to eradicate torture, disappearances and summary executions.

J. RUENAN SEGVRAL, introducing the report of the Working Group on the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment, said it was important to ensure that the optional Protocol was clear, transparent and balanced, and did not conflict with other United Nations instruments. Realistic and practical financial arrangements must be developed.

IVAN TOSEVSKI, Chairman of the Working Group on Enforced Disappearances, introduced the report of the Group. He said the Working Group had decided that cases of disappearances would be retained in its files for as long as the exact whereabouts of the missing persons had not been determined. The principle would not be affected by a change of government in the countries where the disappearance had occurred. The Working Group had stated repeatedly that impunity was perhaps the greatest single factor which contributed to the continuation of the phenomenon.

Further, he said, the Group traditionally had excluded cases of disappearances occurring during armed conflicts from its purview. It was, however, urgently seeking the guidance of the Commission on how to deal with cases of disappearances in the former Yugoslavia, since the dimensions of the problem were overwhelming. The Group lacked the human resources to carry out that task. There was a dramatic increase in the number of cases submitted to the Group, whose computerized files now contained about 35,000 cases which had occurred in 58 countries. The cooperation of Governments with the Group had also increased. Given the Group's lack of resources, it would be unable to analyse, process and transmit reports on new cases.

PEDRO OYARCE (Chile) said the administration of justice was one of the keys to the protection of human rights. A machinery had to be established to monitor observance and, in cases of breaches, there had to be bodies with coercive powers to halt such breaches and to punish those responsible. Judicial authorities must be independent and impartial. The right to justice, to a fair trial or to due process of law, must be free from interference and applied to all. Human rights education should be included in legal training.

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Fundamental human rights must take precedence over national legislation. All law enforcement officers must be independent and protected. Military justice was often a problem. Civilians must not be brought before military courts which were often not impartial, he said.

ALIOUNE SENE (Senegal) stated that the barbarous practice of torture was spreading to an increasing number of States. International measures were far from having achieved their objective, hence the need for preventive measures, such as the system of preventive visits to places of detention. Any such system should operate on the basis of cooperation, with experts having complete freedom of movement. The experience of the International Committee of the Red Cross (ICRC) demonstrated that prison visits were the most efficient way to prevent acts of torture. Senegal would support the completion of the draft optional protocol to the Convention against torture.

J.M. CABASIANGO, of the Four Directions Council, said that in Ecuador, indigenous peoples, who made up 49 per cent of the total population, were subject to grave human rights violations. In recent years, systematic violations had been on the increase. In the Amazon region of Ecuador, the armed forces and various transnational corporations had recently infringed the rights of an indigenous people in the building of a highway. Repression and torture perpetrated by the armed forces had occurred as a result. Paramilitary forces had also erased an entire community in another part of Ecuador. Rape and torture were also common. He himself had been detained in June 1991 during a peaceful March, and had been held incommunicado, then tortured. Finally, he had been released due to pressure exerted by indigenous people. The rights of indigenous people had to be respected, he stressed.

FEDERICO ANDREU, of the International League for the Rights and Liberation of Peoples, said official impunity was a major problem in enforcing human rights. Tribes in Rwanda had been virtually wiped out in some places; death squads operated in some parts of the country with complete impunity. The press was gagged. Rwandan human rights organizations had appealed for help. Impunity was a problem in developed countries too, such as Spain, where a trial against an anti-terrorist group in which policemen were implicated had been restricted to avoid spreading the inquiry. There were still problems with enforced disappearances in Peru and torture was still practised by Peruvian authorities under the guise of combating terrorist groups. In Venezuela there had been cases of arbitrary detention and torture.

LEILA SEIGEL, of the International Council of Jewish Women, said that rape was an age-old form of torture that knew no boundaries with regard to sex, age or disability. It was a problem of society, not just of women. The condemnation of rape was usually considered to be implicitly called for and punished in the various United Nations conventions. It was also mentioned in the Fourth Geneva Convention and its Protocols. She proposed, however, that a special tribunal to judge war crimes and crimes against humanity be constituted. Non-governmental organizations supported efforts to integrate concerns regarding violations of the human rights of women throughout the human rights mechanisms of the United Nations and particularly in the Commission. Special attention must be given to the crime of rape. A special

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rapporteur must be appointed to study the phenomenon of rape as a violation of human rights and humanitarian law and practical and normative measures proposed to combat it.

ADBELHAMID SEMICHI, observer for Algeria, speaking in exercise of the right of reply, referred to a statement by the International Fellowship of Reconciliation and said its representative had claimed to know everything and to understand everything about international relations. Two non-governmental organizations and a State had already made numerous accusations about the Algerian press and Algerian fundamentalism. The representative of the International Fellowship of Reconciliation should look more closely at Lewis Carroll's work and "know when to refrain from speaking", he said.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

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HUMAN RIGHTS COMMISSION ADOPTS RESOLUTIONS ON SITUATION IN OCCUPIED ARAB TERRITORIES, CAMBODIA, USE OF MERCENARIES

Appoints Special Rapporteur to Investigate Israeli Violations of Human Rights in Occupied Territories

(Delayed in transmission.)

GENEVA, 19 February (UN Information Service) -- The Commission on Human Rights this afternoon decided to appoint a special rapporteur to investigate Israel's human rights violations in the occupied Arab territories, including Palestine. The Rapporteur was given a mandate to receive communications and hear witnesses and to report to the Commission at its future sessions, until the end of the Israeli occupation.

By a related resolution, the Commission reaffirmed the Palestinian people's inalienable right to self-determination, and urged Israel to abstain from installing settlers, including immigrants, in the occupied territories. It condemned Israel's persistence in changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan. It also emphasized that displaced persons must be allowed to return to their homes and to recover their properties.

Addressing the situation in Cambodia, the Commission requested that the Secretary-General ensure a continued United Nations human rights presence in that country following expiry of the mandate of the United Nations Transitional Authority in Cambodia (UNTAC). Such a presence would manage the implementation of educational and technical assistance and advisory services, while assisting the Government of Cambodia established after the elections in meeting its obligations under human rights instruments.

By another text adopted today, the Commission reaffirmed that the recruitment, use, financing and training of mercenaries should be considered as offences of grave concern. It urged all States to prevent mercenaries from using their territory to destabilize any sovereign State.

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For information media—not an official record

The Commission then resumed its debate on the human rights of detainees, hearing statements by representatives of the following non-governmental organizations: World Organization against Torture, France-Libertés Fondation Danielle Mitterrand, the Commission of the Churches on International Affairs and Amnesty International.

Action on Draft Resolutions

By a draft text on human rights in the occupied Syrian Golan (document E/CN.4/1993/L.2), the Commission would condemn Israel's persistence in changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan. It would emphasize that the persons so displaced must be allowed to return to their homes and to recover their properties. It would also determine that all legislative and administrative measures by Israel aimed at altering the character and legal status of the Syrian Golan were null and void.

The Commission would strongly condemn Israel's attempts to impose its citizenship and identity cards on the Syrian citizens in the occupied Syrian Golan, as well as its practices of annexation, establishment of settlements, confiscation of lands, diversion of water resources and the boycotting of local agricultural products. It would call upon Israel to desist from its efforts, aimed at academic institutions, to distort historical facts and would call on it to end its repressive measures against the population. It would again call on Member States not to recognize any of Israel's legislative or administrative measures and actions in the occupied Syrian Golan.

R. SCHIFTER (United States), speaking in explanation of vote, said the same text was laid before the Commission year after year. Its harsh language prevented the Commission from playing a role in solving the long-standing dispute in the Middle East. Those who wanted to see an end to tension in the region should realize the necessity of bringing the parties together to achieve peace. The current resolution did not help to do that. United States President Bill Clinton was deeply committed to Middle East negotiations and Secretary of State Warren Christopher was currently visiting the region seeking peace. It was time to end the harsh rhetoric. The United States would again vote against the current text, as well as against those on human rights violations in the occupied Arab territories and on Israeli settlements, as they did not foster the peace process.

The text was adopted by a roll-call vote of 29 in favour to 1 against, with 17 abstentions. The voting was as follows:

In favour: Bangladesh, Brazil, Burundi, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, Gabon, Gambia, India, Indonesia, Iran, Lesotho, Libya, Malaysia, Mauritania, Mexico, Nigeria, Pakistan, Peru, Republic of Korea, Sri Lanka, Sudan, Syria, Tunisia, Venezuela and Zambia.

Against: United States.

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Abstentions: Argentina, Australia, Austria, Bulgaria, Canada, Czech Republic, Finland, France, Germany, Japan, Netherlands, Poland, Portugal, Romania, Russian Federation, United Kingdom and Uruguay.

By part A of a draft resolution on human rights violations in the occupied Arab territories, including Palestine (document E/CN.4/1993/L.4), the Commission would condemn Israel's policies and practices which violated the human rights of the Palestinian people in the territory occupied by Israel with military force, including Jerusalem. It would condemn, in particular, the opening of fire by the Israeli army and settlers on Palestinian civilians, resulting in death and injury as had happened continuously since the eruption of the intifadah. It would affirm the right of the Palestinian people to resist the Israeli occupation by all means, and would again call on Israel to cease all human rights violations in the occupied Arab territories.

The Commission would also decide to appoint a Special Rapporteur to investigate Israel's violations of international humanitarian law. He would be mandated to receive communications and hear witnesses and to report his conclusions and recommendations to the Commission at its future sessions, until the end of the Israeli occupation. The Commission would also call on Israel to cooperate with the Special Rapporteur.

Part A of the draft resolution was adopted by a roll-call vote of 26 in favour to 16 against, with 5 abstentions. The voting was as follows:

In favour: Bangladesh, Brazil, Burundi, Chile, China, Colombia, Cuba, Cyprus, Gambia, India, Indonesia, Iran, Lesotho, Libya, Malaysia, Mauritania, Mexico, Nigeria, Pakistan, Peru, Sri Lanka, Sudan, Syria, Tunisia, Venezuela and Zambia.

Against: Australia, Austria, Bulgaria, Canada, Czech Republic, Finland, France, Germany, Japan, Netherlands, Poland, Portugal, Romania, Russian Federation, United Kingdom and United States.

Abstentions: Argentina, Costa Rica, Gabon, Republic of Korea and Uruguay.

By part B of the same text, the Commission would again strongly condemn Israel's refusal to apply the Geneva Convention on the protection of civilians in time of war to the Arab territories, as well as its crimes of torture against Palestinian detainees and prisoners in Israeli prisons and concentration camps. It would also condemn Israel's continued deliberate disregard for the provisions of the Fourth Geneva Convention, despite resolutions of the Security Council, the General Assembly and the Commission on Human Rights.

The Commission would strongly condemn Israel's grave violations of article 49 of the Fourth Geneva Convention, as well as its policy of deporting and expelling Palestinians from their homeland, as recently happened to more than 400 Palestinian citizens on 17 December 1992. It would call on Israel to comply with the resolutions of the Security Council and to allow all those who had been deported since 1967 to return to their homeland without delay.

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Part B of the draft resolution was adopted by a roll-call vote of 27 in favour to 1 against, with 19 abstentions. The vote was as follows:

In favour: Bangladesh, Brazil, Burundi, Chile, China, Colombia, Cuba, Cyprus, Gambia, India, Indonesia, Iran, Lesotho, Libya, Malaysia, Mauritania, Mexico, Nigeria, Pakistan, Peru, Republic of Korea, Sri Lanka, Sudan, Syria, Tunisia, Venezuela and Zambia.

Against: United States.

Abstentions: Argentina, Australia, Austria, Bulgaria, Canada, Costa Rica, Czech Republic, Finland, France, Gabon, Germany, Japan, Netherlands, Poland, Portugal, Romania, Russian Federation, United Kingdom and Uruguay.

A draft resolution on Israeli settlements in the occupied Arab territories (document E/CN.4/1993/L.7) would have the Commission reaffirm that installation of Israeli civilians in the occupied territories was illegal and constituted a violation of the 1949 Geneva Convention on the protection of civilians in time of war. It would urge Israel to refrain from installing such settlers, including immigrants, in the occupied territories.

The draft text was adopted by a roll-call vote of 46 in favour to 1 against, with no abstentions. The voting was as follows:

In favour: Argentina, Australia, Austria, Bangladesh, Brazil, Bulgaria, Burundi, Canada, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, Czech Republic, Finland, France, Gabon, Gambia, Germany, India, Indonesia, Iran, Japan, Lesotho, Libya, Malaysia, Mauritania, Mexico, Netherlands, Nigeria, Pakistan, Peru, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Sri Lanka, Sudan, Syria, Tunisia, United Kingdom, Uruguay, Venezuela and Zambia.

Against: United States.

Abstentions: None.

By a draft text on the situation in occupied Palestine (document E/CN.4/1993/L.5), the Commission would express grave concern that a just solution had not been achieved on the Palestine problem, which had constituted the core of the Arab-Israeli conflict since 1948, and would reaffirm the inalienable right of Palestinian people to self-determination without external interference. The Commission would call on Israel to comply with its obligations under the Charter and under international law to withdraw from the occupied Palestinian and other Arab territories, including Jerusalem, so as to enable the Palestinian people to exercise their right to self-determination.

By a separate vote, the Commission decided to retain the following preambular paragraph: "Affirming that the directing of the immigration of Jews in an organized manner to Israel constitutes support to Israel's settlement policy in the occupied Palestinian territory and an obstacle to the exercise by the Palestinian people of their right to self-determination."

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The preambular paragraph was retained by a roll-call vote of 26 in favour to 16 against, with 5 abstentions, as follows:

In favour: Bangladesh, Brazil, Burundi, Chile, China, Colombia, Cuba, Cyprus, Gambia, India, Indonesia, Iran, Lesotho, Libya, Malaysia, Mauritania, Mexico, Nigeria, Pakistan, Peru, Sri Lanka, Sudan, Syria, Tunisia, Venezuela and Zambia.

Against: Australia, Austria, Bulgaria, Canada, Czech Republic, Finland, France, Germany, Japan, Netherlands, Poland, Portugal, Romania, Russian Federation, United Kingdom and United States.

Abstentions: Argentina, Costa Rica, Gabon, Republic of Korea and Uruguay.

ANNE PARK (Canada) said she had called for a separate vote on the final preambular paragraph, which directly questioned the right of Jews to immigrate to Israel. That concept was unacceptable. Further, the Palestinians' right to self-determination, referred to in other preambular paragraphs, should be expressed in peaceful negotiations, such as the current peace process. Canada would abstain on the text as a whole.

The draft was adopted as a whole by a roll-call vote of 27 in favour to 1 against, with 19 abstentions. The voting was as follows:

In favour: Bangladesh, Brazil, Burundi, Chile, China, Colombia, Cuba, Cyprus, Gambia, India, Indonesia, Iran, Lesotho, Libya, Malaysia, Mauritania, Mexico, Nigeria, Pakistan, Peru, Republic of Korea, Sri Lanka, Sudan, Syria, Tunisia, Venezuela and Zambia.

Against: United States.

Abstentions: Argentina, Australia, Austria, Bulgaria, Canada, Costa Rica, Czech Republic, Finland, France, Gabon, Germany, Japan, Netherlands, Poland, Portugal, Romania, Russian Federation, United Kingdom and Uruguay

By a draft text on the use of mercenaries to impede the exercise of self-determination (document E/CN.4/1993/L.6), the Commission would reaffirm that the recruitment, use, financing and training of mercenaries should be considered as grave offences. It would urge all States to prevent mercenaries from using their territory to destabilize any sovereign State and would call on all States to consider acceding to or ratifying the International Convention against the Recruitment, Use, Financing and Training of Mercenaries. The draft text was adopted without a vote.

By a draft on the situation of human rights in Cambodia (document E/CN.4/1993/L.15), the Commission would request that the Secretary-General ensure a continued United Nations human rights presence in Cambodia following expiry of the mandate of the United Nations Transitional Authority in Cambodia (UNTAC). Such a presence should include the operational activities of the Centre for Human Rights and should aim at managing the implementation of

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educational and technical assistance and advisory services. It should assist the Government of Cambodia established after the election to meet its obligations under the human rights instruments and should provide support to bona fide human rights groups in the country. It should also contribute to the creation and strengthening of national institutions for the promotion and protection of human rights.

The Commission would also request that the Secretary-General provide additional means, within existing United Nations resources, to fund the operational presence of the Centre for Human Rights. It would also request that he appoint a special representative to maintain contact with the Government and people of Cambodia, guide and coordinate the United Nations human rights presence in the country and assist the Government in promoting and protecting human rights. The draft text was adopted without a vote.

Human Rights of Detainees

F. MEJIA, of the World Organization Against Torture, said many countries still practised illegal and arbitrary detention, torture and summary executions. Even where abuses had been curtailed, there was often impunity for the perpetrators. Problems continued in Sri Lanka. In Moroccan prisons, hundreds suffered indescribable abuse and many detainees were kept in secret prisons. There was arbitrary detention or improper treatment of prisoners in Egypt, Malawi, Spain, Mexico, Brazil, Iran, Turkey, Sudan, Haiti, Equatorial Guinea and Chad. Those situations required speedy and practical action by the Commission.

MICHELLE LAUWEREINS, of France-Libertés Fondation Danielle Mitterrand, said the Commission should appoint an expert to examine the serious human rights situation in Colombia. In Iran, there was a concerted plan to murder those who opposed the Government, several of whom had fled abroad and been murdered or disappeared. Countries in which such acts occurred should bring the perpetrators to justice. The international community should condemn international terrorism as carried out by Iran and consider the application of sanctions.

No one should ignore the serious human rights situation in south-east Turkey, where torture continued and many had died in prison, she said. The Government had taken no significant steps to restore a state of law in the country and it was possible that certain human rights lawyers might be killed. Kurds were also under threat. Attempts to outlaw the workers' party could be expected to lead to further violence.

JOSE BURNEO, of the Commission of the Churches on International Affairs, said Peru had topped the list for disappearances in 1992 with 112 persons. In addition, the International Committee of the Red Cross (ICRC) had been banned, detainees had disappeared, habeas corpus had been eliminated, judges had been dismissed and freedom of the press had been violated. An independent expert should be appointed to investigate the situation. In Burundi, although a national unity policy had been undertaken and international instruments ratified, those opposing the Government were persecuted and many were being killed in extrajudicial executions. In Rwanda, many civilians had been murdered by government forces and death squads, while violence, brutality and intimidation were aimed against the Tutsi people. The Commission should closely monitor the situation in Rwanda.

ISABELLE SCHERER, of Amnesty International, said detainees in Malawi were held for excessive periods without any impartial assessment of the validity of the detention. In Cuba, large groups of government supporters went to the homes of known dissidents and abused those inside. In Tunisia, political prisoners were often held incommunicado, in prolonged pre-trial detention, during which they were subjected to ill-treatment. Confessions thus extracted were then used in court to secure their convictions. A major reason for the persistence of violations in India was the Government's unwillingness to admit that torture occurred, despite clear evidence.

In Burundi, she continued, a series of trials of political prisoners held during 1992 had been manifestly unfair. As a result, the death penalty was being imposed on five people, while 70 others had been sentenced to imprisonment for terms ranging from a few years to life. In Syria, despite significant releases during 1991 and 1992, thousands of political prisoners were still held without trial under state-of-emergency legislation, some of them for more than 20 years. In China, hundreds had been detained since 1989 because of their non-violent political or religious views. Some had been sentenced to imprisonment following trials that had failed to reach even minimum standards of fairness.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/428
23 February 1993

NOBEL LAUREATE CALLS FOR ESTABLISHMENT OF DEMOCRACY IN BURMA

Oscar Arias Sanchez, 1987 Nobel Peace Prize Winner, Demands Release of 1991 Laureate Aung San Suu Kyi

GENEVA, 22 February (UN Information Service) -- Nobel Peace laureate Oscar Arias Sanchez demanded the release of Aung San Suu Kyi, 1991 Peace Prize winner, from house arrest in Burma and called for the establishment of democracy in that country in an address to the Commission on Human Rights this morning. Mr. Arias Sanchez, former President of Costa Rica and winner of the 1987 Peace Prize, spoke on behalf of a group of six Nobel laureates and said that what had formerly been "a jewel of the East" had been reduced to "an impoverished nation in everything but spirit". Aung San Suu Kyi, even under detention, served as a ray of light and hope in the dark night of the Burmese people. He said that Burma -- currently referred to as Myanmar -- should be denied membership in the United Nations until democracy was restored. The international community should also stop selling weapons to the military Government, which used them on its own people.

The other Nobel Peace laureates, on whose behalf Mr. Arias Sanchez spoke, were Adolfo Perez Esquivel of Argentina (1980), Maired Corrigan Maguire and Betty Williams of Northern Ireland (1976), Rigoberta Menchu of Guatemala (1992), and Elie Wiesel of the United States (1986).

Also this morning, Oscar de la Puente Raygada, President of the Council of Ministers and Minister for Foreign Affairs of Peru, addressed the Commission. He said that after the capture of the leader of the Shining Path guerrilla movement and other anti-terrorist measures, Peru was "no longer ungovernable", and asserted that the country was placing strong emphasis on human rights.

Contributing to the debate this morning were the representatives of Costa Rica, Czech Republic, Syria, United States and China, and the observers for Croatia and Belgium. Myanmar and Burundi spoke in exercise of the right of reply.

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For information media—not an official record

Address by Peruvian Foreign Minister

OSCAR DE LA PUENTE RAYGADA, Foreign Minister of Peru, said his country was currently struggling to achieve peace in a society which for 12 years had endured the violence of a terrorist group. It had caused $20 billion in damage and had killed or seriously wounded many people. The prospects for Peru's development had also been adversely affected. However, every attempt was now being made to make up for the lost years of economic and social development. He called for international cooperation to assist Latin America in the field of human rights. There had been a problem with institutional corruption in some areas of Peruvian bureaucracy which was a serious obstacle to change. Indeed, there were questions about whether the Peruvian Government could live up to the expectations of the international community and control hyper-inflation which in turn threatened the security of the region. The Emergency Reconstitution Government was doing its best to assure the future of the country, to rebuild the country's structures, and to promote efficiency and development.

In November 1992, the people had voted against the enemies of democracy and had elected representatives to the constituent assembly, he said. In the need to foster a human rights culture in Peru, the International Committee of the Red Cross (ICRC) was being allowed to visit detention centres in the country. Mechanisms would be established to disseminate human rights information and training programmes would be set up. The Government had invited the Special Rapporteur on Summary Executions to visit the country as well. The ongoing dialogue with the international community was designed to disseminate information about the new situation in Peru. A law had also been promulgated to punish those who carried out enforced disappearances.

The Government had a new anti-terrorist policy, he continued. Evidence of its success was the recent capture of the main members of the Shining Path group. Their leader was responsible for the deaths of 25,000 people. In addition, the prison system had also been reformed. He said that other States should not grant asylum to members of armed terrorist groups. States and non-governmental organizations should, at the same time, denounce such acts. The Government had also undertaken to investigate cases of the involvement of officials of the armed forces in human rights violations. Such actions would not be tolerated in Peru and the Government would not permit their commission with impunity.

Concerning indigenous peoples, the Peruvian constituent assembly was considering a law which would allow those peoples the right to exercise certain judicial functions as long as they were not in contradiction with human rights principles. Peru's Constitution stated clearly the country's respect for human rights. Peru was no longer ungovernable, the Foreign Minister said.

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Statement by Special Rapporteur

LOUIS JOINET, Special Rapporteur for the Working Group on Arbitrary Detention, said that of the 220 cases considered by the Working Group in 1992, 107 persons had been released. He had also participated in two missions to the territory of the former Yugoslavia. Since the completion of the report, replies had been received from Tunisia and the United States. In both cases, the Governments had reported that the persons involved had been released. The Government of Bhutan had sent supplementary information on cases brought to the Group's attention in 1991. Certain Governments had already reacted to decisions taken by the Group; some, like Nigeria and Cameroon, had released detainees which the Group had investigated. Malawi had released one of the persons mentioned in a case presented by the Working Group. Ninety per cent of the cases before the Group involved detention due to expression of personal opinion.

The Group had recommended that it be allowed to take up cases on its own initiative in order to ensure geopolitical balance, Mr. Joinet said. The Group would like to strengthen substantially the means available to it. Despite the dedication of the Secretariat staff, the constant increase in workload was straining resources, resulting in the back-logging of cases for lack of time and staff to investigate them. That was a situation the Group did not wish to see continue.

Address by Nobel Laureate

OSCAR ARIAS SANCHEZ, former President of Costa Rica and 1987 Nobel Peace Prize laureate, speaking on behalf of six Nobel laureates, said he hoped the countries of Latin America would very soon be able to live in peace with silent weapons. Any system that was not based on democratic principles was futile. To end repression and violence would be to rescue a large portion of humanity. It was unforgivable that, anywhere in the world, people could be victims of hatred, violence and torture. It was time to learn the lesson of dialogue and non-violence as the only way to settle differences.

Some progress had been made, no doubt, he said, but the world was as impatient as were the people who suffered those attacks on their fundamental rights and dignity. Men, women and children who suffered throughout the world could wait no longer. They received no encouragement from flimsy victories here and there. Whole generations and cultures had lived and died without ever having had the privilege of the vote, the privilege of emigrating to better their future, the privilege of ever knowing freedom.

Burma was a recent example of that, he continued. What was formerly a jewel of the East had been reduced to an impoverished nation in everything but spirit. The elections held there, if not fair, had at least no doubt been free. Civilian authority should have been restored and the military regime halted. But the terror continued; power had not been transferred to the legislature. Persecution continued. Among those deprived of liberty was Aung San Suu Kyi, the winner of the 1991 Nobel Peace Prize. In the dark night of the Burmese people, she was none the less a ray of light and hope. Her enforced silence had continued long enough. The Nobel laureates demanded that

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she be freed and heard once again. Those laureates had combined in this unprecedented effort to obtain her release, Mr. Arias Sanchez said. They had three goals: the release of Aung San Suu Kyi; the release of the thousands of other political prisoners there; and the establishment of democracy in Burma. The citizens there had earned the right to democracy.

The laureates recently had sought meetings with Burmese officials and with Aung San Suu Kyi, he said. Those requests were denied. Where human rights were ignored, leaders were afraid, he noted. Now the group had two goals: to mobilize the international community against the barbarity committed by the military regime in Burma, and the establishment of democracy there. Aung San Suu Kyi had to be released and allowed to take part in the dialogue for establishing a democracy.

The Group had recommended that the Security Council look into the current situation in Burma, he said. The Commission on Human Rights should adopt a resolution firmly condemning the Rangoon regime for its continued human rights violations. The laureates were amazed, he said, at the ease with which the regime obtained weapons to use against its own people. China had sold weapons worth $1.2 billion to Burma last year. An arms embargo had to be imposed against Rangoon. Financial assistance to Burma must be solely humanitarian in nature. The Association of South-East Asian Nations (ASEAN) must unify to convince the regime to surrender control of the country to the democratically elected legislature. Burma should also be denied membership in the United Nations until Aung San Suu Kyi was released and democracy restored.

Statements Made

Speaking in exercise of his right of reply, TIN KYAW HLAING, observer for Myanmar, stated that his country categorically rejected the allegations made against the Government and the people of Myanmar by the Nobel laureate. There could be no peace, democracy or human rights where there was anarchy and the law of the jungle ruled. A national convention was under way to develop a new constitution based on a multiparty democratic system. The Government, meanwhile, was attempting to create an atmosphere conducive to establishment of a democracy.

Those who no longer posed a threat to security of the State were being released, he said. Certain individuals had been placed under restraint, not for political activities or beliefs, but for infringement of the laws of the land. Much sterner legal action could have been taken against them under the existing criminal laws. Myanmar categorically rejected the proposals made in the laureate's address; those proposals went beyond the mandate of the Commission. The laureate's attempt to use the Commission to make such proposals was an abuse of the United Nations system.

JAVIER RODRIGUEZ (Costa Rica) said the proposal in the draft optional protocol to the Convention against torture to allow for regular, impartial visits to places of detention was encouraging. Cooperation and confidentiality would be fundamental in that regard. Impunity continued to be a problem in the matter of enforced disappearances. Costa Rica was concerned that impunity encouraged enforced disappearances and also that disappearances continued to be a problem in various countries in the world. There was a need to strengthen measures to ensure fair administration of justice. Each society should be able to guarantee the impartiality and fairness of its judiciary and should be able to protect its lawyers. Furthermore, justice should be dispensed quickly.

MILAN DUFEK (Czech Republic) said that, in spite of the universal recognition of the prohibition of torture, the sad truth was that torture was still far from being eradicated. The ever-growing number of cases of torture and other ill-treatment received from many parts of the world underlined the need for a greater awareness about such cases and for their prevention. New international mechanisms were needed and, therefore, the proposal of Costa Rica to elaborate a draft protocol to the Convention against torture was welcome. The future realization of the proposal would significantly contribute to universal standards for protection against torture. The proposed new instrument should fill the existing gaps in order to enhance the standard of protection against torture and to avoid duplication of activities of different bodies functioning in the field.

Concerning the situation of staff members of the United Nations in detention, he said it was imperative that the violence against international experts should be stopped and their human rights be respected. The primary responsibility for those matters rested with the host Governments. He supported the suggestion that the Secretary-General present a report on the implementation of protection measures annually to the Third Committee of the General Assembly.

KENNETH BLACKWELL (United States) said that for some Governments, torture too often remained an instrument of policy. Others could not or would not check the brutality of their security forces. Impunity for torturers made it more likely that torture would continue. Means must be sought to bring torturers to justice. Governments that had established a clear policy against the use of torture might benefit from advisory services to train police, military, and prison personnel. Rape as a policy of war was a bestial practice of physical and psychological torture and a crime against humanity.

As steps towards the elimination of torture, he urged the strengthening of the Special Rapporteur's role and a thorough examination of his reports as the foundation for possible follow-up resolutions. All countries should cooperate fully with the Rapporteur and allow him full access to information from human rights activists and abuse victims with full safeguards for the protection of those sources. Country-specific resolutions should also request him to examine allegations of torture, in addition to the monitoring of the country-specific rapporteur or expert.

CUI ZHIKUN (China) said that since becoming a party to the Convention against torture, China had always fulfilled its obligation under the Convention. China's legal provisions and judicial practices had given full expression to the basic principles of the Convention. In accordance with the basic principles provided in its Constitution, specific rules on the

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prohibition and punishment of the crime of torture were provided for in both substantive and procedural law. In addition, the State attached great importance to constantly improving the law enforcement process and any violations of the Constitution and other national laws.

The formulation of human right instruments in the United Nations should be guided by the principles and purposes of the Charter, respect for the unity and integrity of sovereign States, and full consideration of the importance of universal acceptance and applicability of the instruments, he said. Any indiscriminate incorporation of some regional human rights instruments into the United Nations system in disregard of historical, geographical and cultural differences, was unacceptable. In considering visits to countries, the exercise of sovereignty and the discharge of responsibility and functions by States should not be hampered in any way. Regarding the question of enforced or involuntary disappearances, China called on the Working Group to define further the term "disappearance" so as to better focus its work in the future.

MIOMIR ZUZUL, observer for Croatia, said that one of the most vivid examples of human despair was the tragedy of the Croatian town of Vukovar where, in November 1991, in only three days, 5,000 people had disappeared. Some of them had been found to be dead, but the search for 2,600 persons continued. The International Committee of the Red Cross (ICRC) had been involved in all discussions with the Yugoslav side. However, ICRC had felt it necessary to withdraw from those discussions, as it had discovered that the Yugoslav side was deliberately obstructing its work and hiding all the documentation. The Commission or the Security Council, by the force of a United Nations resolution, should try to investigate the disappearances.

The Government of Croatia had done its utmost, but had reached the limit of what it could do. The issue should now become the problem of the international community. There were 14,000 missing persons in Croatia. And perhaps 100,000 were missing in Bosnia and Herzegovina. A resolution of the problem of missing persons in Croatia and Bosnia and Herzegovina was the basic prerequisite for the resolution of the humanitarian crisis and a precondition for the establishment of peace on the territory of former Yugoslavia, he said.

A. REYN, observer for Belgium, said a whole network of international legal instruments had been created to deal with torture. Yet the practice continued, because many Governments failed to comply with the international obligations they had endorsed. Torture almost invariably took place in isolation, under anonymous circumstances, so that the perpetrators often escaped responsibility. That was why close monitoring and swift responses were important. More countries should cooperate with the Special Rapporteur. His mandate was important, as other instruments regarding torture seemed to be rarely applied and many had not been endorsed by countries in which torture was practised. Increasing the use of periodic, on-site visits would be a good policy and could serve as a useful preventive measure.

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Right of Reply

ZACHARIE BANYIYEZAKO (Burundi), speaking in exercise of the right of reply, said that the representative of a non-governmental organization during a previous meeting of the Commission had challenged Burundi's policy of national unity and the goodwill of the Government. He invited members of the Commission to visit Burundi, along with the non-governmental organization concerned, to see the true situation of human rights for themselves. Burundi had nothing to hide and was placing its faith in transparency. The Government was committed to all its obligations under the human rights instrument it had ratified. Burundi had been the victim of armed attacks in 1991. That extremism had sought to stall the process of national unity and set ethnic groups against one another. However, the Burundi people had rejected the marginal, armed, fringe group and had chosen peace and equality.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

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26 February 1993

HUMAN RIGHTS COMMISSION CONTINUES DEBATE ON RIGHTS OF DETAINEES

Hears Address by New Zealand's Minister for Women's Affairs

GENEVA, 22 February (UN Information Service) -- Jenny Shipley, New Zealand's Minister for Women's Affairs and Social Welfare, in an address to the Commission on Human Rights this afternoon, said that women had a particular role to play in the United Nations human rights programme. It was important that the Commission also fulfil its responsibility to implement the principle of gender equality, both in its organization and in all its operations. The contribution that women could make should be a consideration in the appointment of special rapporteurs, experts and members of working groups, particularly when the subject matter had a gender specific impact.

New Zealand was paying particular attention to the elaboration of a declaration on violence against women, said the Minister. She expressed the conviction that hard core pornography resulted in actual harm -- sexual violence -- and it was almost always women and children who were the victims.

The Commission continued its debate on the rights of detainees this afternoon, and several speakers expressed concern about the continued lack of adequate resources provided to human rights monitoring mechanisms, which made it extremely difficult for them to deal with the increasing number of cases submitted to them each year. Further, little was being done to create awareness of the broad mandate of such mechanisms and few human rights organizations were aware of their existence.

Other speakers stated that despite intensified international efforts to combat the practice of torture in recent years, it was still practised to varying degrees in numerous countries. Many speakers said that impunity continued to be one of the most serious obstacles to full respect for human rights. Therefore, the fight against impunity should become a priority. The representative of France said that his Government hoped that the decision by the Security Council to establish an ad hoc international court to judge crimes committed on the territory of the former Yugoslavia would be a demonstration of the political will to take a step forward in the collective repression of crimes, which until now had gone unpunished.

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The representatives of the following States participated in this afternoon's debate: the Philippines, Chile, France, Brazil, Spain, Sweden and Pakistan.

The representatives of several non-governmental organizations also addressed the Commission.

The representatives of Nigeria and Cuba spoke in exercise of the right of reply.

Address by New Zealand Minister

JENNY SHIPLEY, Minister for Women's Affairs and Social Welfare of New Zealand, stated that despite all the hopes for the future raised by rapid political change over the last three or four years, sadly it was not a time for optimism regarding the observance of human rights. The world had failed to stop systematic torture, rape and murder in many parts of the globe. It had been helpless to prevent "ethnic cleansing" in the former Yugoslavia. That was a deeply alarming state of affairs.

Women had a particular role to play in the United Nations human rights programme, she said. It was important that the Commission on Human Rights also fulfil its responsibility to implement the principle of gender equality -- both in its organization and in all its operations. At the organizational level, New Zealand had consistently fought for measures to promote the participation of women in all facets of the United Nations system. New Zealand would like to see more women brought within the process of the human rights programme. The contribution that women could make should be a consideration in the appointment of special rapporteurs, experts and members of working groups, particularly when the subject matter had a gender specific impact. It was equally important that the information upon which the thematic rapporteurs and working groups based their conclusions and recommendations was presented in a way that enabled any gender specific impact to be easily discerned. She strongly supported the ongoing initiatives, in the Commission and elsewhere, to integrate the human rights of women within the mainstream of United Nations human rights mechanisms.

The World Conference on Human Rights was a landmark event, she continued. The women of New Zealand had a special focus for their preparations. They were holding a year-long celebration of women's suffrage, which was won by Maori and Pakeha women in New Zealand in 1893. The Government had established a special Suffrage Centennial Year Trust to fund projects to commemorate the centenary, to inform people about the contributions women had made to all aspects of New Zealand life and to enhance women's knowledge, skills and opportunities.

At the international level, New Zealand had paid particular attention to the elaboration, in the Commission on the Status of Women, of a declaration on violence against women. The Government had decided to make the possession of unclassified, violent and sexually indecent material illegal, thus placing responsibility for the first time on the purchaser. Hard-core pornography

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resulted in actual harm -- sexual violence -- and it was almost always women and children who were the victims. Violence against women occurred in all countries, but its occurrence increased, in frequency and severity, in times of armed conflict. Recent tragic events in the former Yugoslavia had shown the particular vulnerability of women and girls. She welcomed Tadeusz Mazowiecki's pragmatic recommendations on the treatment and rehabilitation of those who had suffered physical and mental injury as a result of rape.

Statements Made

SAMUEL SORIANO, observer for the Philippines, said the current Government in his country had provided amnesty for some 4,500 former rebels under an executive order promulgated in 1989; established a National Unification Commission, which was holding extensive consultations with all opposition groups; and repealed the anti-subversion act which outlawed the Communist Party. Those moves addressed directly many of the concerns raised in the report of the Working Group. The Philippines took strong exception to the allegation contained in the report that the Philippine Commission on Human Rights "had not gained the confidence of the victims of human rights violations, nor had it successfully prosecuted many of the violators". The report itself showed that cases submitted by the Working Group were conscientiously investigated and reported on by the Philippine Commission on human rights. The solution to cases of disappearances and other violations of human rights did not lie in dismantling the much-needed security institutions of the country, but rather in eliminating abuse and undesirable elements within those institutions.

The Philippines expressed total support for the tentative recommendations of the Working Group on the question of impunity. His Government had acted to ensure the proper functioning of the administration of justice and to strengthen the judiciary. Based on its experience, the Philippines found that acts of impunity could be countered by an informed and vigilant citizenry.

FELIPE PORTALES (Chile) said that the right to freedom of information and expression was fundamental. Its violation deprived communities of the right to protest abuses by the authorities. That right could be violated by the concentration of the ownership of communication media by the State in some cases, or the virtual monopoly of large economic groups in other cases. Frequently, states of emergency were used to limit the enjoyment of that right. The United Nations should draft a convention on the freedom of information and expression.

JULIO HEREDIA, representative of the Crime Prevention and Criminal Justice Branch, of the Centre for Social Development and Humanitarian Affairs, said attempts were under way to strengthen cooperation between the Centre for Human Rights and the Centre for Social Development and Humanitarian Affairs. This cooperation focused especially on preparations for the World Conference on Human Rights and coordination on the various technical cooperation and advisory servies provided by both Centres. In addition, some joint country-specific programmes in crime prevention, criminal justice and human rights had been conducted, including courses for the police, lawyers, judges

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and prosecutors in Romania and Albania. A liasion had also been created within both Centres to monitor the human rights component of various United Nations programmes dealing with the administration of justice.

PAUL BOUCHET (France) said the persistence of particularly serious violations, such as those in the territory of the former Yugoslavia, made focusing on impunity more important than ever. Denunciation of impunity must continue without letup. The highest duty of law enforcement and judicial offices was to the truth. The media and international authorities had a responsibility to establish the facts. There must be criminal proceedings and fair trials by impartial courts. France hoped that the decision of the Security Council to establish an ad hoc international court to judge crimes committed in the territory of the former Yugoslavia would be a demonstration of the political will to take a step forward in the collective repression of crimes which until now had gone unpunished.

A. CANDIDA PEREZ, observer for Brazil, said adequate knowledge and understanding of the circumstances prevailing in countries where grave violations of rights were committed, was of great importance, not for the purpose of allowing justifications for non-compliance, but for finding the most suitable and effective measures to protect human rights.

Torture was one of the most abhorrent violations of human rights and the Commission should make all efforts to eradicate it, he said. The Brazilian Government had invited the Working Group on Enforced or Involuntary Disappearances to visit Brazil this year and verify the progress made. Explaining the violence at an incident in the Carandiru prison of Sao Paulo, he said the police had invaded the prison following a fight among prisoners which threatened to turn into a riot. The excessive violence of the police action had tragic consequences. The Carandiru tragedy had shocked Brazilian authorities and public opinion. Everything was being done to investigate the incident, and to punish those responsible.

D. JULIAN PALACIOS, observer for Spain, said that despite numerous international efforts, the phenomenon of torture was far from being eradicated. The international community had to do everything possible to investigate, denounce and punish this crime. The system of justice in a democratic society was the best way of ensuring respect for the rights of individuals.

Continuing, he said two non-governmental organizations had raised the issue of hunger strikes by prisoners and the ill-treatment of prisoners in Spain. Those cases had been widely covered by the Spanish media. However, it was not appropriate to begin a discussion on it in the Commission. There was a difference between the systematic practice of torture and an isolated case of torture.

CATHARINA KIPP, observer for Sweden, said she was particularly concerned that the next of kin reporting disappearances were themselves persecuted. Sweden was also alarmed at the thousands of reports of disappearances in the former Yugoslavia, along with other atrocities and violations of the most basic human rights. A specific mechanism had to be devised to tackle the subject of disappearances in the former Yugoslavia.

Her Government was also alarmed by the number of cases involving torture practised against children and the use of rape as a method of warfare against another ethnic group. It was insulting to the Commission and to the international community that only 27 out of the 55 Governments that had been approached by the Special Rapporteur had even cared to reply. She also announced that Sweden would contribute 5 million kroner to the United Nations Voluntary Fund for Victims of Torture this year.

REED BRODY, of the International Human Rights Law Group, said few human rights groups were yet aware of the existence of the Working Group on Arbitrary Detention and the United Nations had done little to create such an awareness. That had led to an under-utilization of the Group and to a stark imbalance in the number of cases received from different countries. Despite its sweeping mandate and activist approach, the Working Group also had to convince prisoners and human rights groups that it was worth their while to use the Group to challenge arbitrary detention. Two decisions adopted by the Group this year made that less likely. First, the Group had decided not to publish its decisions, or reveal their contents, prior to the publication of its yearly report to the Commission. Second, the Group had maintained its position that, when a person was released, for whatever reason, the case was considered closed.

FELIX MORIKA, another representative of the same non-governmental organization, drew attention to the situation in Nigeria, where, he said, the Government had renewed its crackdown on human rights and pro-democracy advocates in the wake of its announcement of another postponement of the transfer of power to an elected civilian administration.

MARIE-LAURE BECK-HENRK, of the World Movement of Mothers, said the job was to do more than deplore human rights violations -- it was to stop torture and enforced and arbitrary disappearances. It was necessary to focus more on prevention. Throughout the world, there were too many conflicts that ended in bloodshed, and women and children suffered inevitably. Mothers saw their children being drawn into barbaric situations and ultimately dying horrible deaths. The mothers of the world had had enough, she said. It was time for the world's leaders to achieve lasting peace. The World Movement demanded that disputes be settled by peaceful, democratic means.

MONA RISHMAWI, of the International Commission of Jurists, welcomed the adoption of the Declaration on the Protection of All Persons from Enforced Disappearance. Despite the trend towards greater respect for human rights in many parts of the world, 10,000 new cases perpetrated in 36 countries had come to the attention of the Commission.

Commenting on the situation in Sri Lanka, she said the Working Group had identified impunity as the single most important factor contributing to the phenomenon of disappearance. She welcomed the creation of a Presidential Commission of Inquiry to carry out investigations. However, its mandate was limited to persons who allegedly disappeared after 11 January 1991. There was no existing mechanism in Sri Lanka to investigate any of the 13,000 cases that had occurred before 1991.

ROGER WAREHAM, of the International Association Against Torture, said that the problem facing the United Nations was not a lack of instruments, but their ineffective implementation. The ultimate problem lay in the reality of the double-standard that existed in the Commission. The United Nations would achieve real international credibility when a single standard of enforcement was exercised. Some examples of that crippling double-standard included the continued abuse of human rights in El Salvador, Chile and Colombia. Those Governments were aware that the permanent members of the Security Council were not prepared to enforce human rights because they themselves had substantial violations.

Those powerful countries of the developed world escaped censure because they had conveniently redefined or legalized their human rights abuses. The United States denied the existence of its over 200 African, Puerto Rican, Chicano-Mexicano, Native American and white political prisoners. Arbitrary arrests and detentions were routinely conducted, particularly against political activists. It was the policy of redefinition, statistical manipulation, half-truths and outright deception that allowed the United States to escape international censure and re-enforced the double-standard that encouraged other countries to continue their violations.

HERNANDO HERRERA, of the World Christian Life Community, said that the daily lives of many people in South America were threatened by a lack of basic human rights. Many human rights organizations had seen their work jeopardized in such a climate. Harassment was commonplace against groups of people meeting to discuss human rights. He said he had suffered a violent attack last year when he was shot and lost the use of two thirds of his lungs. The press coverage of the attack was also denounced. Press reports justified the actions of the authorities and gave a wrong account of what had actually happened.

VERONICA MENDIZABAL, of the Women's International League for Peace and Freedom, drew attention to three specific cases of degrading and inhuman treatment. The first was the case of Silvia Beraldini, an Italian woman imprisoned in the United States, whose basic human rights were being grossly violated. She was arrested in 1982 and since then had been transferred to different prisons and, without cause whatsoever, to a high security facility. She was suffering from cancer. The second case was that of a Korean family separated first by imprisonment and now by the authorities of the Republic of Korea. Li In Mo had been imprisoned three times for a total of 34 years because he refused to abandon his political convictions.

The third was that of the Sri Lankan woman writer, Selvy Thiagarajah, a well-known feminist activist, writer and poet who received a Pen International award in 1992. She was arrested by the Liberation Tigers of Tamil Eelam in Jaffna in August 1991 and since then her whereabouts remained unknown. She appealed to both the Sri Lankan Government and to the Tamil Tigers to respect

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freedom of opinion and expression in areas under their control. She also appealed to the Commission to take whatever measures it deemed necessary to ensure the implementation of the recommendations of the Working Group on Disappearances, as well as to ensure the continuing monitoring of the human rights situation in Sri Lanka.

FAWZIA ASSAAD, of the International Pen, welcomed the abolition in Turkey of legislation which had allowed for the detention of many writers and journalists on charges including the "dissemination of separatist propaganda". However, International Pen was concerned that the Law to Fight Terrorism, promulgated in April 1991 to replace previous legislation, provided a wide interpretation of the term "terrorism" and for prosecution of journalists and writers for publishing articles deemed to support "terrorism". It appeared that that law was being used to censor discussion on sensitive topics. Between September 1992 and January 1993, at least three journalists had been sentenced to prison terms for "insulting the President" or "insulting the judiciary". Killings were a sinister and growing form of attack on freedom of expression in Turkey. She called upon the Commission to take into consideration abuses of the right to freedom of expression in Turkey and to work towards an end to the imprisonment of writers and journalists solely for the practice of that right. She further urged the Commission to encourage the Turkish authorities to bring to justice any person found to be involved in attacks against, and killings of, writers and journalists.

CANDY WHITTOME, of the Lawyers' Committee for Human Rights, said that since inaugurating a new Constitution in July 1991, the Colombian Government had converted into permanent legislation virtually all of the exceptional presidential decrees issued under the state of siege concerning acts of terrorism and narcotics trafficking. Numerous reports existed of mistreatment, torture and extrajudicial execution of persons detained by the military on suspicion of guerrilla activities. Conferring additional police power on the military in terrorism and narcotics cases which violated Colombian law would be an invitation to further abuse.

In Tunisia, thousands of suspected members or supporters of a banned Islamic political party had been subjected to an unfair trial since the Government cracked down on the movement in late 1990. Torture and ill-treatment of detainees had been widespread and well documented. Despite scrutiny and criticism from United Nations human rights mechanisms, the Government had refused to institute effective safeguards to prevent threats against lawyers and the abuse of detainees. She called on all States to ensure that international standards guaranteeing the right to a fair trial, the independence and impartiality of judges and lawyers, and the physical integrity of a detainee were respected in all circumstances.

MIKE FORSTER, of the International Work Group for Indigenous Affairs, drew attention to the violation of the rights of the general population on Bougainville due to the armed conflict between forces of the Bougainville Republic Army and the Papua New Guinea military. Reports had been made of executions, arbitrary detention with torture or degradation and rape of both women and young boys by Papua New Guinea forces. The interim Government of

Bougainville had made it clear that it deplored all forms of violence and sought only a democracy and peace. Sometimes the Commission, unintentionally, added fuel to the fire of terrorism and torture practised around the world by not taking action in situations which demanded attention. That would definitely be the case with Papua New Guinea if something was not done to bring them to task for such major international crime which could be called genocide.

EVE L. PORTER, of the International League for Human Rights, said that a number of aspects of the legal system and administrative and judicial practices of China represented derogations from basic human rights principles. Those included the widespread practice of administrative detention and other methods based on unpublished internal regulations, the continuing frequent use of "re-education through labour", the frequent violation of China's legal limitations on the period of pre-trial detention, the severely inadequate provisions of the law of China with respect to access of criminal suspects to counsel and the widespread use of torture in the detention houses, labour camps and prisons. She urged the Government of China to make use of the advisory services and technical assistance programme in the field of human rights to make rapid improvements in its practices.

V. ARCHIBOLD BLAKE, of the Service and Peace Justice in Latin America, urged the Commission to call for the immediate release of the Nobel Peace Prize winner, Aung San Sui Kyi, by the Burmese authorities. In Colombia, the combination of State terrorism and drug traffickers had created State repression and a situation of war. Impunity fostered the perpetuation of more serious violations of human rights. In Honduras, during the last three years, the Government had continued the practice of torture. The situation was serious and the Government was not doing anything to improve it. In Peru, torture, extrajudicial executions and disappearances were occurring frequently. There were also problems of arbitrary detention in Panama, disappearances in Sri Lanka, and torture and disappearances committed by the Moroccan forces in Western Sahara. The increasing problem of impunity represented an obstacle to respect for human rights. The United Nations should set up machinery to monitor and investigate cases of impunity around the world.

CARMEL BUDIARDJO, of Liberation, said that last January, the Indonesian Government and the United Nations Centre for Human Rights had hosted an Asia-Pacific Workshop on Human Rights in Jakarta. On the day the Workshop opened, 17 students in the custody of the police were beaten until they collapsed, subjected to electric shock, burned with cigarettes and matches, and subjected to other forms of torture. They had protested at the violent suppression of land-holders in Blangguan, two days earlier, who had tried to plant corn on their land in defiance of a decision to give the land to the Marine Corps for war exercises, without proper consultation or decent compensation. There were, according to human rights monitors in Indonesia, 596 clearly identifiable political prisoners. The actual figure was certainly far higher. More than half were in custody because of their involvement in independence struggles in East Timor, West Papua and Aceh. Liberation called on the Commission to examine the human rights situation in Indonesia in all

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its aspects, to take speedy action to alleviate the sufferings of the victims and enable Indonesian human rights monitors to work for change.

JESUS PINACUE, of the Grand Council of the Crees, said that the use of torture against indigenous people was becoming more systematic, particularly in the Americas, where the indigenous people were experiencing very serious repression. The indigenous people aimed to raise the collective conscience of his country and the Government of Colombia. The police and the drug traffickers had carried out numerous assassinations of indigenous people in Colombia in recent years. There were many violations of human rights in Latin America. He suggested that the Working Group on Indigenous Affairs continue to consult different indigenous peoples about the draft declaration on the rights of indigenous peoples.

J. GERARDI CONEDERA, of the Pax Romana, said that in Guatemala, as the end of the century approached, the people were trying to regain their identity. A nation of ethnic diversity was their goal, but the task was often blocked. Leaders were criticised, threatened and sometimes went into exile. They had been attacked and a climate of insecurity persisted in the country. The armed conflict also meant that the civilian population suffered. The armed forces were a law unto themselves and there was little respect for human rights and fundamental freedoms. Options for development would help to bring the war to an end. Reform of the State machinery would allow for a reform of the decision-making process. The Secretary-General should send an expert to Guatemala to monitor human rights violations in that country.

M. KIRKYACHARIAN, of the Movement against Racism and for Friendship among Peoples, said that everyone had noted the positive developments in Morocco during the last year. Those included the opening of the Tazmamart prison, the liberation of several groups of political prisoners and the release of more than 200 disappeared persons from Western Sahara. However, there was still no news of many disappeared persons, and several hundred political prisoners remained in prisons in Kenitra, Casablanca, Marrakech and so on. The free movement of people was still limited and passports were refused to former political detainees. That created an atmosphere of fear for the entire population of Morocco.

ESTELLA BARNES DE CARIOTTO, of the International Movement - Abuelas de Plaza de Mayo, said that hundreds of children had been abducted and disappeared in Argentina between 1976 and 1983. Argentina had a Constitutional Government, but various laws which denied human rights were still in force. Democracy would only be real in Argentina when poverty was gone and the external debt was banished. Furthermore, Argentina was violating the Convention on the Rights of the Child. She called on the Commission to request the Argentine Government to comply with its treaty obligations.

LOYOLA GUZMAN, of the Latin American Federation of Associations of Relatives of Disappeared Detainees, expressed regret that there had been an increase in the number of cases of disappearances in 1992. Four countries, namely Peru, Colombia, Guatemala and Sri Lanka, continued to head the list of countries where that phenomenon occurred. She also expressed concern about

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the persistence of the practice of impunity. Work should now begin on a draft convention on enforced disappearances. She said that she had found her parents after eight years of separation and that it was indeed possible to find disappeared persons.

M. AHMAD, of the World Muslim Congress, said that the international press had carried news of a rampage by Indian troops in the Kashmir Valley town of Sopore, on 6 January. The senior police superintendent had admitted that "the security forces went amok". All the casualties of the massacre were innocent civilians. The Kashmir Valley had been declared a disturbed area by the occupying Power. There was no free access to the Valley, it was a closed area, sealed from the outside world. Human rights organizations had been able to gather overwhelming evidence of the universal practice of torture of detainees in Kashmir. By conservative accounts, there were more than 20,000 people in detention, under various emergency powers, all without being brought to trial. Lawyers were frustrated in their attempts to obtain the liberty of detained people through the courts. The Commission should obtain free access to Kashmir Valley for all human rights organizations to determine the extent of violations of human rights and take steps that these violations were stopped forthwith and the guilty brought to justice.

JAN BAUER, of the International Centre against Censorship, welcomed the final report on the right to freedom of opinion and expression. He urged the Commission to support an undertaking by the Subcommission to explore the possibility of developing basic principles and guidelines on the freedom of expression and opinions. The development of such principles and standards would ensure greater protection for those freedoms in situations such as that of Sri Lanka. In the south of that country, despite an appearance of normalcy, abductions had continued to be reported frequently. The Government had not acted positively to ensure that an independent press was allowed to operate without the harassment and attacks that had become common occurrences in recent months. Countries which had ratified the International Covenant on Civil and Political Rights continued to commit serious violations of the right to freedom of expression.

DJELY SAMOURA, of the World Social Prospects Association, said that in Africa, in spite of promises to the contrary, physical and psychological torture was common. The individual's rights were almost without value on that continent. Many régimes there were fundamentally opposed to the democratic transformation of society. In Rwanda, since 1990, a fratricidal war was being waged and exact figures of the dead and wounded were hard to find. Could the ethno-fascist authority in Rwanda ever become a democracy? he asked. That dream would be hard to realize. Since 1973, the people of Rwanda had known open conflict. The fight between the Hutus and the Tutsis was between two ethnic groups within the same national community. Zaire, too, had experienced torture and repression. Like other African dictatorships, it operated with impunity. The United Nations should send a representative to investigate those crimes. In Africa, dictators committed genocide with impunity.

BRIAN FORBES, of the War Amputations of Canada, stated that his organization had submitted the first of a number of formal claims to the

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Commission on Human Rights. Those concerned the "gross violations of human rights" committed by Japan in relation to the incarceration of Canadian servicemen while held as prisoners of war by the Japanese during the Second World War. Additional claims had been submitted on behalf of prisoners of war and civilian internee organizations representing Great Britain, the United States, the Netherlands, New Zealand and Australia. The consolidated claims represented over 200,000 former prisoners and civilian internees or their widows. It was recognized that Japan strongly desired to take its place on the international stage and play a role more commensurate with its economic and financial stature. However, Japan had first to fulfil the substantial obligations emanating from the appalling human rights violations it had committed in the Second World War.

He asked the Commission to make a specific finding to the effect that the war crimes and crimes against humanity committed by the Japanese during that War revealed a consistent pattern of gross violations of human rights. The Japanese Government should be asked by the Commission to establish an international compensation fund to indemnify the individual victims of those gross violations of human rights.

MUSHAHID HUSSAIN (Pakistan) said that the judiciary in Pakistan, particularly the Supreme Court and the High Courts, had taken some important initiatives which should go a long way in promoting human rights. There was first the need for promoting basic awareness of human rights among citizens. The Pakistani judiciary relied extensively on reports in the national press, plus efforts of various human rights activists and other non-governmental organizations to highlight cases of human rights abuses. It had taken three specific initiatives regarding human rights within the last couple of years.

One innovative scheme attempted to empower the community at the grass-roots level. A Central Council had been established whose primary purpose was the implementation of the alternative dispute resolution mechanisms which had been set up. In addition, the higher judiciary had also been working to clear the backlog of cases pending. During the last year and a half alone, a backlog of 28,000 cases were cleared by the higher judiciary. Recently, the Chief Justice of Pakistan had also proposed the establishment of a ministry of human rights. In the judicial initiatives, not only the Government, but various non-governmental and professional organizations, had been actively collaborating with the higher judiciary.

TEIMOURAZ RAMISHVILI (Russian Federation) said that, due to the situation which now prevailed in Russia, the population was calling for the introduction of more severe penalties for crimes. The United Nations had done a great deal to draw up standards for the treatment of detainees. His Government was trying as much as possible to implement those standards. It was unfortunate that those principles were not legally binding. In the Russian Federation, the rules were not always complied with. For instance, the minimum cell space requirements were not met. It was difficult to be satisfied with international standards if they were not complied with. The world should move from words to taking action, after setting priorities.

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Rights of Reply

The representative of Nigeria, speaking in exercise of the right of reply, said that her Government had always respected the right of every citizen to express opinions freely on any matter whatsoever. It had not only allowed dissent and criticism of its policies and actions, but had also actively encouraged the ownership of the means of expressing and propagating such opinion. She made a distinction between dissent or criticism on the one hand and perpetration of crime and instigation of violence on the other. The speech of the President of Nigeria, in which he had allegedly threatened a crackdown on human rights and pro-democracy advocates, had been referred to out of context, he said. Anybody who was interested in government should submit himself to the scrutiny of the Nigerian public by contesting elections to the various elected offices. The Government would continue to pursue its programme of transition to full democratic government in Nigeria by August.

ADOLFO CURBELO CASTELLANOS (Cuba) said that Amnesty International had referred to Cuba in a selective manner. The non-governmental organization had unfortunately limited itself to commenting only on the countries of the South. It was a paradox that Amnesty International did not choose to mention and include the problems of arbitrary detention and human rights violations in developed countries.

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